

**JOURNAL**  
OF THE  
**House of Representatives**  
OF THE  
**STATE OF ALABAMA**  
**REGULAR SESSION**  
**Of 1979**

**HELD IN THE CITY OF MONTGOMERY,  
COMMENCING TUESDAY, APRIL 17, 1979**



**Vol. 3**

**WITH AN INDEX PREPARED BY THE  
CLERK OF THE HOUSE**

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**OF THE**  
**HOUSE OF REPRESENTATIVES**  
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TWENTY-NINTH DAY

House of Representatives  
Montgomery, Alabama  
Thursday, July 19, 1979

The House met pursuant to adjournment.

**PRAYER**

The session was opened with prayer by Reverend Bill Hall, First United Methodist Church, Jackson, Alabama.

**ROLL CALL**

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-eighth legislative day and finds the same to be correct.

JACK BIDDLE, III,  
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the twenty-eighth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-eighth legislative day was approved.

Yeas 76; Nays 6.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Howard, Johnson (R. G.), Kelley, Kennedy (C), Letson, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

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*Nays:* Reps.: Buskey, Holmes, Horn, Langford, Rains and Wyatt.

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## RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 312. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, July 19, 1979, we adjourn to meet again on Monday, July 30, 1979, at 1:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 312, was adopted.

## BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 496. To provide for an income tax credit on state income tax liability for certain expenditures made by individual taxpayers to utilize solar energy.

S. 77. To amend Section 29-4-42 of the Code of Alabama 1975, relating to legislative employees, so as to increase the number of supervisory and secretarial employees that may be employed by the secretary of the senate and the clerk of the house.



S. 107. To provide that retiring conservation law enforcement officers of the department of conservation and natural resources may keep their pistols and badges, and certain other equipment, as a retirement benefit, and to make this act retroactively effective to October 1, 1978.

S. 150. To provide for a minimum salary for certain probate judges.

S. 190. To make a conditional appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Cleburne, Chambers and Colbert County Boards of Education for capital outlay purposes only for the construction and renovation of high schools in Cleburne, Chambers and Colbert Counties.

S. 193. To permit the Legislative Committee on Public Accounts to fix the salary from time to time of the Chief Examiner of Public Accounts and the Assistant Chief Examiner of Public Accounts.

S. 202. To provide that there shall be three circuit judges in the fifth judicial circuit.

S. 226. To reopen the Employees' Retirement System of Alabama for prior service for certain members in certain counties who are precluded from obtaining credit for such service for reasons other than nonmembership; providing that as a prerequisite to such credit members must, on October 1, 1979, be an active and contributing member of the Employees' Retirement System of Alabama and in the active service of the employer for whom such prior service was rendered; provided that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act; and providing that this Act shall take effect October 1, 1979.

S. 322. To amend the Code of Alabama 1975, § 9-11-54, so as to further define and clarify qualifications for and issuance of disabled lifetime fishing licenses.

S. 358. To make a supplemental appropriation to the state board of social work examiners from the state board of social work examiners' fund which is on deposit in the state treasury.

S. 381. To amend section 12-17-61, Code of Alabama 1975, relating to the number of district court judges in each district, so as to provide two resident district judges for Marshall county and to provide for the initial appointment of the additional judge and prescribe the duties, powers and authority of such judge, and to provide the funding therefor.

S. 389. To provide a conditional appropriation from the state treasury to the use of the Board of Trustees of the University of Alabama in Birmingham for capital outlay purposes.

S. 394. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

S. 399. To amend Section 12-18-8, Code of Alabama 1975, which relates to the state judicial retirement system law, so as to provide for the transfer of certain contributions from the employees' retirement system to

the judicial retirement fund; to provide further for the meaning of legal or judicial service as it relates to eligibility within said judicial retirement system; and to extend the qualifying date of service as it relates to eligibility within said system.

S. 442. To amend Section 36-27-21.1 of the Code of Alabama 1975, relating to supplemental retirement benefits, to provide that the annual amount required to fund the supplemental benefit enacted in 1978 for those persons who retired pursuant to provisions of the Employees' Retirement System of Alabama, but whose employer was a local board of education or a state institution of higher education, all of whose employees are presently by law required to become members of the Teachers' Retirement System of Alabama, be paid to the Employees' Retirement System, by appropriation from the Alabama Special Educational Trust Fund.

S. 473. To establish a student assistance program in the State of Alabama to be known as the Alabama Guaranteed Student Loan Program, which will guarantee loans made by approved lenders to residents of Alabama who are attending or plan to attend eligible institutions in the State or elsewhere, for the purpose of assisting them in meeting educational expenses; to set forth legislative findings and purposes underlying the Program; to designate the Alabama Commission on Higher Education to administer the program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to provide for periodic auditing of approved institutions; to provide a penalty for false statements or misrepresentation in connection with the program; to establish continuance of the Program; to designate the Attorney General as legal counsel for the Program; to authorize a total sum of no more than Two Hundred and Fifty Thousand Dollars (\$250,000.00) to be transferred from the Alabama Student Assistance Program; to provide for severability; to repeal conflicting laws; and to provide an effective date.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 476. (With Amendment): Relating to soil surveys; to provide for accelerating the soil survey in Alabama so that soil mapping, classification, and interpretation may be completed in 10 years, and to make an appropriation for this purpose.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 497. To make a conditional appropriation for capital improvements at the Alabama Youth Services Roebuck Campus, Roebuck, Birmingham, Alabama, for the fiscal year ending September 30, 1979.

S. 500. To amend Section 2, Subsection III (a) (9) (c) of Act No. 597, H. 244 of the 1978 Regular Session, which act makes appropriations from various funds of the State for the ordinary expenses of the executive, legislative and judicial functions of government for the fiscal year ending September 30, 1979, so as to increase the A. B. C. Board appropriation in the Administrative Services Program by \$1,000,000,

S. 509. To make a conditional appropriation to the district attorneys of the several judicial circuits of this state.

S. 521. To create the Alabama Health Care Responsibility Act; providing legislative intent, providing definitions; providing that ultimate financial responsibility for the cost of treatment of a patient certified to be indigent, who is a resident of one county but receives services from a hospital in another county, shall be placed with the county of which the patient is a resident; providing limitations on such responsibility; providing that the Department of Pensions and Security shall adopt rules for certifying patients as indigent; requiring hospitals to admit certified indigents under certain conditions; providing that disputes between hospitals and counties shall be resolved by action in the circuit court of the county in which the regional referral hospital is located and providing an effective date.

S. 580. To require the Highway Department to adjust pending and future contracts with private contractors to take into consideration rising motor fuel costs; and to require the Highway Department to make retroactive payments.

S. 589. To make a conditional appropriation to certain counties in order to compensate said counties for the housing, maintenance and medical support of state prisoners.

S. 590. To amend Section 25-4-5, Section 25-4-10, Section 25-4-16, Section 25-4-51, Section 25-4-70, Section 25-4-74, Section 25-4-78, Section 25-4-91, Section 25-4-113, Section 25-4-118, Section 25-4-134, Section 25-4-141 and Section 25-4-145, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to remove provisions covering certain participants in federally funded programs; to include back pay awards in the definition of wages, distribute over the period covered by the award and to describe the effect on the receipt of benefits; to clarify the period required for a reimbursing employer to become eligible to change method of financing benefit costs; to provide for succession of and by governmental entities, designate liability for resulting benefit costs and recovery of such costs from an abolished state agency; to provide a minimum advance payment rate for governmental employer and the procedure for appealing and assigned rate; to clarify the denial of benefit provisions for certain educational employees; to provide for the reduction of benefits by the amount of pensions or retirement pay as required by federal law to become effective after March 31, 1980; to permit reconsideration of claims after the end of a benefit year in case of false or misrepresented facts and procedures for appeal of such reconsideration; to provide employees immunity from civil suits for acts performed in their individual official capacity except for wanton or malicious conduct; to permit disclosure of information to public officials in performance of official duties; to correct a reorganization of procedures relating to collection of delinquent contributions made during compilation of the 1975 Code; to remove requirement for individual to testify even if testimony might be self-incriminating and to establish procedures for collection of overpayment of benefits.

S. 630. To amend Sections 40-28-1 through 40-28-3, Code of Alabama 1975, which provide for the distribution of in-lieu-of-taxes payments by the Tennessee Valley Authority to counties served by the Tennessee Valley Authority and to dry counties not served by the Tennessee Valley Authority, so as to provide further for said distribution.

S. 596. To provide conditional appropriations totalling \$12 million to the Medicaid Program for the current fiscal year of 1978-79, said fiscal year ending on September 30, 1979.

S. 545. To propose an amendment to the Constitution to amend further Section 217 of the Constitution, which relates to ad valorem taxation, so as to provide that local taxing authorities may increase millage rates of ad valorem taxes beyond the date of September 30, 1979, in the event that there is an uncompleted property reappraisal in that particular locality.

The above bill was read a second time at length as required by the Constitution.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 581. To amend Section 41-4-50 of the Code of Alabama 1975, relating to the division of control and accounts of the department of finance so as to authorize any state employee or retired person or beneficiary under any retirement system administered by the state to elect to have funds for his salary or retirement allowance electronically transferred for deposit in the bank of his choice.

S. 38. To amend Section 26-4-145, Code of Alabama 1975, so as to permit a ward's property to be sold without advertising or with limited advertising in certain instances.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 20. (With Amendment): To amend and reenact Act No. 87, S. 40, 1971, Third Special Session, (Acts of 1971, p. 4299, now appearing in Code of Alabama, Recompiled 1975, Title 16-46-1 through 16-46-10), relating to the regulation of certain schools and courses of instruction publicized, sold, offered for sale, and administered to residents of this state; so as to further regulate such schools and courses of instruction and to provide for funding.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 577. To authorize any county board of education and any city board of education to borrow money in anticipation of the issuance of warrants authorized to be issued under either Article 4 or Article 5 of Chapter 13 of Title 16 of the CODE OF ALABAMA 1975 for use for any of the purposes described in said Articles and in evidence thereof to issue warrant anticipation notes maturing not later than eighteen months from the date of issue and bearing a rate of interest not exceeding eight percent per annum, to provide for payment of such warrant anticipation notes from the principal proceeds from the sale of the warrants with respect to which such notes are issued and from the tax proceeds which the issuing board may pledge to the payment of such warrants, to provide that such warrant anticipation notes may be refunded, extended or renewed by other warrant anticipation notes maturing not more than eighteen months from the date of maturity of the warrant

anticipation notes then outstanding, subject to the approval of the state superintendent of education, to provide that such warrant anticipation notes may be sold at public or private sale, subject to the approval of the state superintendent of education to provide that the board of education proposing to issue said notes shall have received the approval of the state superintendent of education, to provide that all warrant anticipation notes, all interest paid thereon, and all income derived therefrom shall be exempt from all state, county, municipal and other taxation under the laws of Alabama, and to provide that such warrant anticipation notes are proper legal investments.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 490. To amend Section 11-3-1 of the Code of Alabama 1975, relating to the composition and election of county commissions so as to provide that the provisions of this section shall not apply to any county which is otherwise governed by local law or a law the application of which is determined by the population of the county, insofar as the same are in conflict herewith.

S. 558. To authorize and make provisions for the incorporation in any Class III municipality of an Authority as a public corporation for the purpose of providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any such Authority for certain purposes at any time, upon the authorization of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment, supplies or other personal property involving less than \$2,000 without compliance with the provisions of Act No. 217 (1967 Special Session), as amended, that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended, or of any civil service or merit system law that might otherwise be applicable; to make provisions respecting the establishment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of the following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in such county and (b) the revenues of any one or more of the transit systems of such Authority, without regard to the system or systems with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application

of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any transit system, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or denote money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such authority to be made; to permit membership in labor organizations by employees of any such Authority; to provide that no employee of any such Authority shall be subject to the provisions of any civil service system or to the rules or regulations of any personnel board that might otherwise be applicable; and to provide for the dissolution of any such Authority and the disposition of its property.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 246. To amend the title and Sections 2, 4, and 8 of Act No. 142, S. 353 (Acts 1951, p. 374-378), relating to the construction, maintenance and repair of Baldwin County roads and bridges so as to empower the county commission with the authority to hire a county engineer and to prescribe the procedure for the transfer of county monies to the State Highway Department as needed for the construction, maintenance and repair of such county roads and bridges.

S. 571. Relating to Autauga County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

S. 599. To set the compensation of the tax collector of Etowah County.

S. 616. Relating to Etowah County; providing for an additional county supplement to the state pay for the circuit court judges.

S. 618. To amend Act No. 366, S. 472, 1978 Regular Session (Acts 1978, p. 309) entitled "An Act Relating to Limestone County; providing for the compensation and expense allowance of certain county officers," so as to provide further for said compensation and to give this act retroactive effect.

S. 619. Relating to Limestone County; to provide an additional expense allowance for certain elected county officers.

S. 640. Relating to Jackson County; relating to the county commission; creating a department of public works for the county; providing for the construction, maintenance and repair of county roads and bridges; providing for the classification and responsibilities of certain employees and their compensation therefor; providing for duties of a county engineer; establishing temporary additional expense allowances for the chairman and members of the Jackson County Commission for a period during the transition from a "captive county" highway program to a county system; and providing that the provisions of this act shall be contingent on the passage of certain legislation.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 520. (With Amendment): Relating to Mobile County; providing further for the government of the county; abolishing the three member county commission and creating a four member commission in lieu thereof; providing for the selection of the members of the commission, and prescribing their qualifications, terms, and compensation, providing for the organization and jurisdiction of the commission, and the powers and duties of its individual members.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 635. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Shelby County; to provide that witnesses may be subpoenaed by United States mail in the county under certain conditions.

## RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 313. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business July 19, 1979, taking precedence over any other business of the House.

Report of Standing Committees

Uncontested Local Bills

Unfinished Business

Bills Carried Over

By Mr. McDonald:

S. 559. p. 11 Controlled substances

By Mr. White:

S. 54. p. 20 Legislative Parking

By Mr. Smith:

S. 258. p. 16 Sunset Act

By Mr. Bailey:

S. 627. p. 23 Public Contract Bill

By Mr. Goodwin:

S. 109. p. 18 Products, liability

By Mr. Goodwin:

S. 210. p. 19 Products, liability defenses

By Mr. Little:

S. 88. p. 12 Certificate of deposit

By Mr. Callahan:

S. 247. p. 5 Highway Beautification Act

By Mr. Vacca:

S. 321. p. 33 Traffic requirements

By Mr. St. John:

S. 397. p. 23 Children

By Mr. Kirkland:

S. 164. p. 9 Registration for boats

By Mr. Vacca:

S. 347. p. 30 Mayors, permitted to appoint Parole Bds.

By Mr. Gullledge:

S. 443. p. 23 Architects, regulated

By Mr. Teague:

S. 107. p. 15 Jacksonville

By Mr. Callahan:

S. 451. p. 37 Firearms, public demonstrations

By Mr. White:

S. 572. p. 25 School children



By Mr. White:

S. 482. p. 22 Grand Jury reports

By Mr. Callahan:

S. 349. p. 17 Corporate contributions

By Mr. Mitchem:

S. 45. p. 1 Defines the term "livestock"

By Mr. Pearson:

S. 288. p. 6 Investment bill

By Mr. Mitchem:

S. 221. p. 13 Pesticide Residue Laboratory

By Mr. Cook:

S. 293. p. 9 Insurance

By Mr. Mitchem:

S. 41. p. 4 Cotton gins

By Mr. Callahan:

S. 166. p. 9 State Forestry Commission

By Mr. Little:

S. 582. p. 25 Subsidized Adoptions

By Mr. Pearson:

S. 57. p. 2 County or municipal bonds

By Mr. Pearson:

S. 58. p. 3 Municipalities, aid to public corps.

By Mr. Goodwin:

S. 437. p. 7 Dept. of Industrial Relations

By Mr. Kirkland:

S. 120. p. 1 Coon bill

By Mr. Smith

S. 557. p. 38 Crime of sexual abuse

By Mr. Denton:

S. 461. p. 20 Motor vehicle, artificial lights

By Mr. Cook:

S. 187. p. 11 Out of state travel

By Mr. St. John:

S. 397. p. 23 Interstate Compact Placement of Children

By Mr. Little:

S. 501. p. 23 Destruction of obsolete material

By Mr. Kirkland:

S. 123. p. 35 State soil and water conservation, ethics

By Mr. Hall:

S. 359. p. 12 Insurors, furnish information

By Mr. Holmes:

S. 157. p. 10 ABC Board, Cost of evidence fund

By Mr. Holmes:

S. 386. p. 7 Honorary signs, state funds prohibited

By Mr. Pearson:

S. 169. p. 14 Curator, physically incapacitated, etc.

By Mr. Hall:

S. 231. p. 4 Abandonment of animals

By Mr. Kirkland:

S. 123. p. 35 Soil Survey

By Mr. Mitchem:

S. 486. p. 29 Livestock

By Mr. Mitchem:

S. 486. p. 28 Livestock dealers

By Mr. Smith:

S. 40. p. 39 Constitutional Amendment

By Mr. Keener:

S. 468. p. 37 Civil Actions, date accrue

By Mr. Little:

S. 87. p. 32 Minimum Wage

By Mr. Gullledge:

S. 214. p. 10 Single tax

On motion of Rep. Biddle, the resolution, H. R. 313, was adopted.

#### NOTICE IN WRITING

Rep. Stewart filed the following Notice in Writing:

Having voted on the prevailing side by which the House refused to suspend the Rules in order to bring up the transmissions and passage of House Bill 386, I now move to suspend the rules by which said motion failed.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

S. 235. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

Was read a third time at length and passed.

Yeas 26; Nays 1.

*Yeas:*

Reps.: Amari, Barton, Boles, Brakefield, Cabaniss, Cheatwood, Drinkard, Goodwin, Greer, Hammett, Harper (O), Hines, Horn, McMillan, Manley, Nevett, Olive, Penry, Ray, Reed, Smith (J), Trammell, Venable, Ward, Willis and Zoghby.

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*Nay:* Rep. Payne.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 617. To amend Act No. 512 of the Regular Session of the Legislature of Alabama of 1977 (Ala. Acts, 1977, p. 674, et seq.), herein called "Act 512", which Act relates to the Jefferson County Coroner-Medical Examiner's Office, by changing certain provisions Act 512 now contains regarding the said office and by also incorporating in said Act 512 additional provisions which will establish the Coroner-Medical Examiner's Commission, will provide for the composition of said Commission, and will provide that the said Commission shall have the power to do the following: To consult with the county governing body on the selection, appointment and retention of the Coroner-Medical Examiner, and such Associate Coroner-Medical Examiners as it may be necessary and appropriate to appoint; to promulgate rules and regulations governing the reviews and investigations of the Coroner-Medical Examiner's Office, including the conditions and circumstances upon which such reviews and investigations shall be conducted; to receive and reply to all questions and inquiries concerning the operation of the Coroner-Medical Examiner's function submitted by the Coroner-Medical Examiner, the county governing body, or others; and to assist the Coroner-Medical Examiner in informing the public of the Coroner-Medical Examiner function.

Was taken up.

S. 617 INDEFINITELY POSTPONED

On motion of Rep. Biddle, the bill, S. 617, was indefinitely postponed.

Yeas 14; Nays 0.

*Yeas:*

Reps.: Amari, Biddle, Boles, Cabaniss, Cheatwood, Coburn, Goodwin, Harvey, Horn, McMillan, Nevett, Olive, Payne and Trammell.

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#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 620. To provide for the distribution of payments in lieu of taxes by Tennessee Valley Authority of the United States Government made to Limestone County pursuant to Act No. 92 of the 1978 Alabama Legislature, approved August 7, 1978, 1978 Acts of Alabama, Page 1787, among the various governmental units, schools, and hospital in Limestone County which receive distributions of ad valorem tax revenues.

Was read a third time at length and passed.

Yeas 30; Nays 0.

*Yeas:*

Mr. Speaker, Barton, Boles, Brakefield, Cabaniss, Carter, Clark, Goodwin, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Kelley, McMillan, Naramore, Parker, Patton, Payne, Penry, Ray, Reed, Roberts, Smith (J), Trammell, Venable, Ward, Willis and Zoghby.

—30

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 622. To repeal Act No. 1220, S. 618, Regular Session 1973, (Acts 1973, p. 2068) entitled "An Act To authorize the Tax Assessor, Tax Collector, and Clerk of the Circuit Court, Circuit Judge, Judge of Probate Court and Judge of the Intermediate Court in all counties having a population of not less than 23,900 nor more than 24,450 to hire clerical assistants, to set the compensation of such assistants, and to provide that the salaries of such assistants be paid from the general funds of such Counties."

Was read a third time at length and passed.

Yeas 34; Nays 0.

*Yeas:*

Mr. Speaker, Amari, Boles, Brakefield, Cabaniss, Cheatwood, Coburn, Drinkard, Ford, Gafford, Goodwin, Greer, Hammett, Harper (O), Harper (T),

Harvey, Hines, Horn, Kelley, Laird, McMillan, Naramore, Nevett, Parker, Penry, Ray, Reed, Smith (C), Smith (J), Trammell, Venable, Ward, Willis and Zoghby.

—34

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 623. Relating to Franklin County; to authorize the tax assessor, tax collector and Judge of Probate to hire clerical assistants, to assist him in the performance of his duties.

Was read a third time at length and passed.

Yeas 38; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Boles, Brakefield, Carothers, Carter, Cheatwood, Coburn, Crow, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Laird, McMillan, Naramore, Nevett, Olive, Parker, Ray, Reed, Sandusky, Smith (C), Smith (J), Starkey, Trammell, Venable, Ward, Willis and Zoghby.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 624. Relating to Franklin County; providing further for the compensation of election officials.

Was read a third time at length and passed.

Yeas 38; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Boles, Brakefield, Cheatwood, Coburn, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Laird, McMillan, Manley, Naramore, Nevett, Olive, Owens, Parker, Penry, Ray, Reed, Sandusky, Smith (C), Smith (J), Starkey, Trammell, Turnham, Venable, Ward and Willis.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The clerk reported that there was a quorum present.

And the bill:

S. 638. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

Was read a third time at length and passed.

Yeas 42; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Biddle, Boles, Brakefield, Carter, Cheatwood, Crow, Drinkard, Ford, Gafford, Gilmer, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Kelley, Laird, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Parker, Penry, Ray, Reed, Smith (C), Smith (J), Starkey, Trammell, Turnham, Venable, Ward, Warren, Willis and Zoghby.

—42

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 626. Relating to Marshall County; to provide a salary increase for the tax assessor and tax collector for said county and to provide for the effective date of said increase.

Was read a third time at length and passed.

Yeas 39; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Biddle, Boles, Brakefield, Carter, Crow, Drinkard, Ford, Gafford, Gilmer, Goodwin, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Howard, Kelley, Laird, McMillan, Naramore, Nevett, Olive, Owens, Pegues, Penry, Ray, Reed, Smith (J), Starkey, Venable, Waggoner, Ward, Willis and Zoghby.

—39

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 636. Relating to Marshall County; to provide further for the powers and duties of the county commission; to ratify and confirm certain expenditures heretofore made to the custodian of voting machines; and to provide further for the method of compensation of said custodian by the county commission.

Was read a third time at length and passed.

Yeas 40; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Biddle, Boles, Brakefield, Buskey, Carter, Cooley, Crow, Gafford, Gilmer, Hammett, Harper (O), Harvey, Hines, Horn, Howard, Kelley, Laird, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Ray, Smith (C), Smith (J), Starkey, Trammell, Venable, Waggoner, Ward, Willis and Zoghby.

—40

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Gafford offered the motion to suspend the rules and reconsider the vote by which the bill, S. 142 as amended by the Report of the Committee on Conference, was lost, lacking a three-fifths vote of all those elected to the House, and the motion to reconsider was adopted.

Yeas 56; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Biddle, Boles, Brakefield, Buskey, Cabaniss, Cheatwood, Clark, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Horn, Howard, Kelley, Kennedy (C), Langford, Lewis, McMillan, Manley, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Reed, Roberts, Sasser, Shavers, Smith (C), Smith (J), Starkey, Stout, Trammell, Turner, Waggoner, Willis and Zoghby.

—56

And the bill:

S. 142. To propose a constitutional amendment amending further subsection (a) of Section 217, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 325 and Constitutional Amendment No. 373, relating to ad valorem property taxes levied by the state and all counties, municipalities and other local taxing authorities.

As amended by the Report of the Committee on Conference, was again read at length and lost, lacking a three-fifths vote of all those elected to the House.

Yeas 59; Nays 14.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Carter, Cates, Clark, Cobb, Cosby, Crow, Dixon, Edwards, Gafford, Goodwin, Grouby, Hammett, Harper (O),

Harper (T), Harvey, Hilliard, Hines, Holmes, Kelley, Kennedy (C), Kennedy (Y), Langford, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Patton, Penry, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (J), Starkey, Trammell, Turnham, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—59

*Nays:*

Reps.: Adams (H), Cheatwood, Cooley, Daniels, Gilmer, Harrison, Laird, Mitchell, Naramore, Nevett, Payne, Rains, Ray and Turner.

—14

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 152. Creating the Alabama Aviation Hall of Fame Board; providing the method of selection of its members; prescribing its powers and duties; providing that no person may derive income or profit from the funds or property of the board; and providing that gifts to and property, funds and activities of the board shall be exempt from taxation.

Also:

H. 275. To raise revenue by levying a privilege or excise tax on every person licensed under the provisions of Title 28, Article 4, Code of Alabama 1975, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax; to prescribe penalties for failure to collect or pay the tax or for possession of unidentified malt or brewed beverages; to provide for identification of such beverages; and to supersede and repeal Title 28, Article 5, Chapter 3, Code of Alabama 1975, and repeals other conflicting laws.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:



H. 3. To amend Section 37-1-3, Code of Alabama 1975, so as to provide that the members of the Public Service Commission shall take office the day after the general election at which they were elected.

Also:

H. 715. To amend Sections 501, 645, 650, 1235, 2015, 3225, 3230, 3240, 4045, 4140, 4145, 4150, 4510, and 4535 of Act No. 607, S. 33, Regular Session 1977 (Acts of Alabama 1977, p. 812), as amended, entitled, "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this Act," and to repeal Section 640 of said Act No. 607.

Also:

H. 847. Relating to Jefferson County; to abolish the office of County Coroner and to provide that all duties, rights and powers authorized or performed by said officer shall be exercised and performed by the Jefferson County Coroner-Medical Examiners' office; to provide for the powers, rights, duties, compensation and composition of such office; to provide for the Jefferson County Coroner-Medical Examiners' Commission; to provide for the powers, rights, duties, composition and terms of office of the members of such commission; and to relieve the members of such commission and other persons from civil or criminal liability.

Also:

H. 831. To establish a Capitol Complex Maintenance and Repair Fund and to authorize the Department of Finance to charge rent on state buildings and to appropriate same.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 114. To provide for appointment and designation of supernumerary sheriffs of the several counties within this state; to prescribe qualifications for the participants in such commission as supernumerary sheriff; to prescribe regulations and procedures for participation in such commission as supernumerary sheriff and to repeal conflicting statutes.

Also:

S. 132. To amend Section 41-16-50, Code of Alabama, 1975, which relates to competitive bidding and the expenditure of public funds, so as to

include the Alabama state docks department in the provisions of the statute which excludes them from the requirement of competitive bids where the amount is less than \$2,000.00; and to further provide for the awarding of contracts to resident bidders.

Also:

S. 136. To authorize designated agents to issue temporary license tags and temporary registration certificates for motor vehicles to be permanently licensed outside the state of Alabama; to authorize manufacturers and dealers of mobile homes, trailer coaches, travel trailers or house trailers to issue temporary license tags and registration certificates for such vehicles which are to be licensed outside Alabama; to authorize probate judges or other county officials authorized and required by law to issue motor vehicle license tags to issue temporary license tags and temporary registration certificates when a permanent license tag cannot be immediately issued or when other good cause exists; to provide for the period of validity of such temporary license tags and registration certificates; to provide for the fees to be collected, records to be maintained, and forms to be utilized in connection with issuance of temporary license tags and registration certificates; to empower the department of revenue with the authority to adopt rules and regulations, prescribe forms and otherwise implement the provisions of the Act; and to impose criminal penalties for violation of the provisions of the Act.

Also:

S. 227. To amend Section 11-50-313, Code of Alabama 1975, which pertains to the Board of Directors of certain water, sewer, gas and electric systems, so as to authorize the governing body of the municipality with respect to which the corporation was primarily organized, to set and establish the fee payable to the directors of the corporation.

Also:

S. 523. To further amend Section 11 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which said Act established a pension system for officers and employees of Jefferson County, Alabama.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 32. To amend Act No. 408 of the Regular Session, 1977 to further prescribe, authorize and regulate investments of life, disability and burial insurance companies by authorizing investment in certain type of mortgage loan up to one hundred percent of value under certain conditions.

Also:

S. 35. Relating to Madison County; providing that the county commission may provide additional compensation for poll officials in an amount up to \$10 per day from the county general fund.

Also:

S. 100. To amend Section 27-15-28 and Section 27-36-7, Code of Alabama, 1975, as amended, which relate to the standard nonforfeiture law and the standard valuation law of life insurance and annuity contracts, so as to increase the statutory interest assumptions for new life insurance and annuity business; to redefine the commissioners reserve valuation method for annuities; to modify the commissioners reserve valuation method and deficiency reserve requirements for those life insurance policies which now require deficiency reserves; to revise the permissible age setback for females in the standard nonforfeiture and valuation laws for life insurance from three years to six years; to revise the standard valuation law to increase the statutory interest rate for group annuities purchased prior to the 1972 NAIC Amendments to the standard valuation law; and to adopt a new standard nonforfeiture law for individual deferred annuities.

Also:

S. 364. To further regulate the liquor traffic in Autauga County; to give the municipal governing bodies or the county commission the right and authority to suspend or revoke any license issued for the sale of alcoholic beverages; to make such suspension or revocation subject to review by the State Alcoholic Beverage Control Board.

Also:

S. 402. To amend Section 17-4-25 of the Code of Alabama 1975 relating to the clerical assistants and help for the judge of probate for the preparation of the list of qualified electors which the judge of probate is required to furnish the election inspectors.

Also:

S. 583. Providing an expense allowance for the chairman and members of the Winston County Commission.

Also:

S. 584. Relating to Winston County; to provide for the disposition of proceeds of any coal and lignite severance tax distributed to the county by the state; to repeal Act Number 75, H. 50, 1978 Second Special Session, (Acts 1978, p. 1764).

Also:

S. 585. Relating to Elmore County; to alter, re-arrange and extend the boundary lines and corporate limits of the City of Millbrook in Elmore County, Alabama and to set the limits of the police jurisdiction.

Also:

S. 592. Relating to Etowah County; providing for the salaries of the chairman of the county commission and the members of such commission.

Also:

S. 634. To regulate the expense allowances in the Thirtieth Judicial Circuit for district judges; and to provide for retroactive effect.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

And the bill:

S. 559. Relating to controlled substances; establishing the Controlled Substances Therapeutic Research Act; providing for the limited distribution of cannabis (also known as "marijuana"), and certain of its derivatives, to qualified patients for defined therapeutic and research purposes; prescribing the qualifications and standards and the procedure for implementation; authorizing the state board of medical examiners to create a review committee; prescribing the membership of such committee; requiring certain reporting and accountability from the committee, the physician and the state board of medical examiners; restricting the distribution and the use of the drug to alleviate the nausea and other ill-effects of cancer chemotherapy, and additionally, the ill-effects of glaucoma under strictly controlled circumstances; further defining controlled substances, Schedules I and II; providing for cooperation with and authorization to contract with federal agencies for the implementation of the program; and prescribing penalties for violating the provisions of this act.

Was read a third time at length and passed.

Yeas 58; Nays 3.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Bedsole, Biddle, Bowling, Buskey, Cabaniss, Carothers, Cobb, Cooley, Crow, Dixon, Ford, Gafford, Goodwin, Greer, Grimsley, Hammett, Harper (O), Harper (T), Harrison, Hilliard, Hines, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy (Y), Langford, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Payne, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Starkey, Turner, Venable, Waggoner, Williams, Willis, Wyatt and Zoghby.

—58

*Nays:* Reps.: Cheatwood, Grouby and Harvey.

—3

And the bill:

S. 54. To authorize the legislature of the State of Alabama to control the usage of certain portions of streets, parking lots and grounds in or near the state capitol complex in the City of Montgomery; and to direct the Chief of Services of the Division of Services to work in cooperation with the legislature as herein provided.

Was read a third time at length and passed.

Yeas 63; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cheatwood, Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Ford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (T), Harvey, Hines, Horn, Howard, Johnson (R. G.), Kelley, Kennedy (Y), Laird, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Patton, Payne, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Trammell, Turner, Venable, Ward, Warren, Williams, Willis and Zoghby.

—63

*Nay:* Rep. Wyatt.

—1

And the bill:

S. 625. Relating to Franklin County; providing further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.

Was taken up.

#### SUBSTITUTE OFFERED

Rep. Coburn offered the following substitute to the bill, S. 625:

#### A BILL TO BE ENTITLED AN ACT

Relating to Franklin County; providing further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. In Franklin County, the payments made to the county commission as authorized in Section 40-28-2, Code of Alabama 1975, shall be distributed by the said county commission as follows: (1) Each local government will first receive the same amount of funds which it received from the Alcoholic Beverage Control Board during the fiscal year ending September 30, 1979, provided however, that in any fiscal year after the fiscal year ending September 30, 1979 that the total Tennessee Valley Authority payments in lieu of taxes distributed to Franklin County by the state is in an amount less than the amount that all levels of government in Franklin County received from the Alcoholic Beverage Control Board in the fiscal year ending September 30, 1979, each local government shall receive an amount of Tennessee Valley Authority funds which shall be in the same proportion that all levels of government in Franklin County received in Alcoholic Beverage Control Board funds in the fiscal year ending September 30, 1979.

(2) Any funds distributed to Franklin County by the State of Alabama as payments in lieu of taxes from the Tennessee Valley Authority in any fiscal year which are in excess of the amount which all levels of government in Franklin County received from the Alcoholic Beverage Control Board in the fiscal year ending September 30, 1979 shall be distributed as follows: 40% of such payments shall be disbursed on the same formula as school funds

according to the state department of education's "Current Expense Ratio" are apportioned to the Franklin County Board of Education and the Russellville City Board of Education; 60% of said payments shall be distributed to the county general fund and on a pro rata basis to the general funds of the City of Russellville, the City of Phil Campbell, the City of Red Bay, the City of Vina, and the City of Hodges, with each city receiving the amount that its population, according to the latest federal census, bears to the entire population of the county, and the general fund of the Franklin County Commission receiving the amount that the population of the county outside the cities bears to the entire population of the county, according to the latest federal census.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 51; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Brakefield, Buskey, Campbell, Carothers, Clark, Cooley, Cosby, Crow, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hammett, Harper (O), Harper (T), Harvey, Horn, Kennedy (C), Langford, McKee, McMillan, Manley, Minus, Moore, Naramore, Owens, Pegues, Ray, Reed, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Trammell, Venable, Warren, Williams, Willis, Wyatt and Zoghby.

—51

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 625 as thus amended, was read a third time at length and passed.

Yeas 60; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Brakefield, Buskey, Campbell, Carothers, Cheatwood, Clark, Cobb, Coburn, Cooley, Crow, Dixon, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Kennedy (Y), Laird, Langford, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Payne, Penry, Ray, Reed, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Trammell, Turner, Venable, Warren, Williams, Willis, Wyatt and Zoghby.

—60

And the bill:

S. 258. To amend extensively the "Sunset Act of 1976", in particular: Sections 40-20-2 through 40-20-5 and 40-20-10 through 40-20-14 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies regulating occupations and professions; to eliminate numerous agencies from the purview of the provisions of this act with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to allow the committee flexibility in its recommendations for the agency under consideration; to reconstitute the membership of the Sunset Committee and to provide for the chairman to be elected from among the membership; to remove certain ex officio members and to add others to the committee; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

Was read a third time at length and passed.

Yeas 72; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Cobb, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Howard, Johnson (R. G.), Kennedy (Y), Laird, Langford, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—72

And the bill:

S. 639. Relating to Jackson County; to provide for the distribution of funds received by the county from payments in lieu taxes made by the Tennessee Valley Authority.

Was read a third time at length and passed.

Yeas 59; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Bowling, Brakefield, Campbell, Cobb, Coburn, Cooley, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holmes, Howard, Laird, Langford, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett,

Olive, Owens, Parker, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Trammell, Turner, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—59

And the bill:

S. 627. To amend Section 41-16-60 of the Code of Alabama, 1975, relating to awarding certain public contracts involving \$2,000 or more, so as to further provide for circumstances under which the contract may be awarded to other than the lowest bidder; and to make the provisions of the act retroactive.

Was read a third time at length and passed.

Yeas 63; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Cheatwood, Cobb, Crow, Dial, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holmes, Howard, Johnson (R. G.), Kelley, Langford, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Penry, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Trammell, Turnham, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—63

And the bill:

S. 109. To provide for definition of terms as used in this Act; to provide a statement of Legislative intent; to provide a comprehensive system of time limitations for the commencement and maintenance of product liability actions; to provide that all product liability actions must be commenced within one (1) year from the time the personal injury, death or property damage occurs; to provide that where the personal injury is a result of insidious disease, the action must be commenced within one (1) year of the date such injury was or in the exercise of reasonable diligence should have been discovered; to provide that a product liability action must be brought, in any event, within eight (8) years of the date the product was put to use; to provide that time limitations provided herein may be waived by express written agreement; to provide that product liability actions arising from the breach of a duty to take or not to take certain actions with respect to a product, coinciding with the failure by the defendant to comply with a government requirement to take or not to take such action, may be brought within one (1) year of the time the personal injury, death or property damage arising from such failure occurs; to provide that such actions resulting from insidious disease may be brought within one (1) year from the date such personal injury was or in the exercise of reasonable diligence should have been discovered; to provide that such actions must be brought in any event within eight (8) years from the date of the imposition of the governmental requirements; to provide that the provisions of this Act are inseparable and nonseverable; to provide that this Act shall not be retroactive; and to provide a manner in which this bill becomes law.

Was taken up.



AMENDMENT OFFERED

Rep. Cooley offered the following amendment No. 1 to the bill, S. 109:

Amend S. 109, as substituted, as follows:

On page 5, line 36, add the following new Section 4 and renumber the remaining section.

Section 4. The provisions of this Act relating to limitations on product liability actions to eight (8) years shall not apply to actions involving products which are designed to have or are reasonably expected to have an operative use for more than eight (8) years from the time the product was first put to use and in such cases the limitations shall be the shorter of twenty (20) years from the time such product was first put in use or the reasonably expected design life of such product.

AMENDMENT TABLED

On motion of Rep. Cabaniss, the amendment No. 1 offered by Rep. Cooley, was tabled.

Yeas 49; Nays 37.

*Yeas:*

Mr. Speaker, Adams (C), Bedsole, Biddle, Cabaniss, Carter, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Grimsley, Hammett, Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Starkey, Venable, Waggoner, Ward, Warren, Whatley and Willis.

—49

*Nays:*

Reps.: Adams (H), Albright, Amari, Barton, Bennett, Blake, Bowling, Brakefield, Buskey, Campbell, Cheatwood, Clark, Cobb, Cooley, Hall, Harper (O), Harrison, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), Langford, Letson, Naramore, Nevett, Penry, Rains, Reed, Smith (C), Smith (J), Stout, Tucker and Wyatt.

—37

AMENDMENT OFFERED

Rep. Cooley offered the following amendment No. 2 to the bill, S. 109:

Amend S. 109, as substituted, as follows:

On page 5, line 36, add the following new Section 4 and renumber the remaining section.

Section 4. The provisions of this Act relating to limitations on product liability actions to eight (8) years shall not apply to actions involving such products which are designed to have or are reasonably expected to have an operative use for more than eight (8) years from the time such product is first put to use.

## MOTION TO POSTPONE TABLED

On motion of Rep. Cabaniss, the motion offered by Rep. McKee to postpone consideration of the bill, S. 109 with pending amendment, temporarily, was tabled.

Yeas 40; Nays 32.

*Yeas:*

Reps.: Adams (C), Bedsole, Biddle, Cabaniss, Carothers, Carter, Coburn, Cosby, Daniels, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (T), Harvey, Hines, Holley, Laird, McMillan, Moore, Olive, Parker, Payne, Pegues, Ray, Riddick, Roberts, Sandusky, Seibels, Shavers, Starkey, Venable, Waggoner, Ward and Zoghby.

—40

*Nays:*

Reps.: Adams (H), Albright, Amari, Barton, Bennett, Blake, Bowling, Brakefield, Buskey, Campbell, Cheatwood, Clark, Cooley, Dial, Gregg, Harper (O), Harrison, Hilliard, Horn, Howard, Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), McKee, Naramore, Nevett, Penry, Rains, Smith (J), Stout and Tucker.

—32

## AMENDMENT TABLED

The question was then on the adoption of the amendment No. 2 offered by Rep. Cooley to the bill, S. 109, and on motion of Rep. Cabaniss, the amendment was tabled.

Yeas 39; Nays 37.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Bedsole, Biddle, Carothers, Carter, Cosby, Daniels, Dixon, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harvey, Hines, Holley, Johnson (R. G.), Laird, McKee, McMillan, Olive, Owens, Parker, Pegues, Ray, Roberts, Sandusky, Seibels, Starkey, Turner, Venable, Waggoner, Ward, Williams and Zoghby.

—39

*Nays:*

Reps.: Adams (H), Amari, Barton, Bennett, Blake, Bowling, Brakefield, Buskey, Campbell, Cheatwood, Clark, Ford, Harper (O), Harper (T), Harrison, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Langford, Naramore, Nevett, Penry, Rains, Riddick, Shavers, Smith (C), Smith (J), Stout, Tucker, Willis and Wyatt.

—37

## AMENDMENT OFFERED

Rep. Cooley offered the following amendment No. 3 to the bill, S. 109:

Amend S. 109, as substituted as follows:

On page 3, line 32, after the word "damage" add the words: or product defect

Also, on page 3, line 34, strike the following:

and (ii)

and add in lieu thereof the following:

or, as relates to personal injury or personal injury resulting in death

Also, on page 3, line 38, strike the word "that" and add in lieu thereof the word:

such

Also, on page 4, line 8 after the word "damage" add the words:

or product defect

Also, on page 4, line 12, after the word "injury" add the words:

or product defect

Also, on page 5, line 15, after the word "damage" add the words;

or product defect

Also, on page 5, line 17, strike the following:

and (ii)

and add in lieu thereof the following:

or, as relates to personal injury or personal injury resulting in death

Also, on page 5, line 24, after the word "damage" add the words:

or product defect

Also, on page 5, line 29, after the word "damage" add the words:

or product defect

#### MOTION TO POSTPONE TABLED

On motion of Rep. Cabaniss, the motion offered by Rep. Johnson (Roy), to postpone further consideration of the bill, S. 109 with pending amendment to the thirtieth legislative day, was tabled.

Yeas 53; Nays 35.

*Yeas:*

Reps.: Adams (C), Bedsole, Biddle, Cabaniss, Carothers, Carter, Cates, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Goodwin, Gregg, Grouby, Hall, Hammett, Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Kelley, Lewis, McKee, McMillan, Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (M), Starkey, Stewart, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

*Nay:*

Reps.: Adams (H), Amari, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Cheatwood, Clark, Cobb, Cooley, Crow, Harper (O), Harrison, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), Langford, Mitchell, Naramore, Nevett, Penry, Rains, Shavers, Smith (C), Smith (J), Trammell, Tucker and Wyatt.

—35

#### AMENDMENT TABLED

The question was then on the adoption of the amendment No. 3 offered by Rep. Cooley to the bill, S. 109, and on motion of Rep. Cabaniss, the amendment was tabled.

Yeas 49; Nays 39.

*Yeas:*

Reps.: Adams (C), Adams (H), Bedsole, Biddle, Cabaniss, Carothers, Carter, Cates, Cosby, Dial, Dixon, Drinkard, Ford, Gafford, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harvey, Holley, Johnson (R. G.), Kelley, Lewis, McKee, Manley, Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Starkey, Turner, Venable, Waggoner, Ward, Warren, Williams and Zoghby.

—49

*Nays:*

Reps.: Amari, Barton, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Cheatwood, Clark, Cobb, Cooley, Crow, Harper (O), Harper (T), Harrison, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), Langford, Naramore, Nevett, Rains, Riddick, Shavers, Smith (C), Smith (J), Smith (M), Stout, Trammell, Tucker, Turnham, Willis and Wyatt.

—39

#### AMENDMENT OFFERED

Rep. Barton offered the following amendment to the bill, S. 109:

In the title, page 1, lines 21 and 34, strike the words and figures "eight (8)" and insert in lieu thereof:

fifteen (15)

In Section 3 (b), page 4, lines 17 and 18, and in Section 3 (d) (3), page 5, line 33, strike the words and figures "eight (8)" and insert in lieu thereof:

fifteen (15)

#### AMENDMENT TABLED

On motion of Rep. Seibels, the amendment was tabled.

Yeas 51; Nays 33.

*Yeas:*

Reps.: Adams (C), Bedsole, Bennett, Biddle, Cabaniss, Carothers, Carter, Cates, Cosby, Daniels, Dial, Dixon, Drinkard, Ford, Gafford, Goodwin, Greer,

Grimsley, Grouby, Hall, Hammett, Harper (T), Holley, Johnson (R. G.), Laird, Lewis, McKee, Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Starkey, Stewart, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghy.

—51

*Nays:*

Reps.: Amari, Barton, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Cheatwood, Clark, Coburn, Cooley, Crow, Harper (O), Harrison, Hilliard, Holmes, Horn, Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), Langford, Nevett, Rains, Riddick, Shavers, Smith (C), Smith (J), Stout, Trammell, Tucker and Wyatt.

—33

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 292. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE NEEDS AND NECESSITIES OF OFF-CAMPUS BRANCHES OR CENTERS OF JUNIOR COLLEGES.

Also:

H. J. R. 301. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1979 REGULAR SESSION OF THE LEGISLATURE WHEN A DATE NOT OTHERWISE SPECIFIED.

Also:

H. J. R. 310. MOURNING THE DEATH OF MRS. MARGHERITA LIGON SWIFT.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bills:

S. 314. To amend Sections 610 and 630 of Act No. 607, S. 33, Regular Session 1977 (Acts 1977, p. 812), the Alabama Criminal Code, so as to further provide and clarify the instances when a person may use deadly physical force in defense of a person and to further provide and clarify the instances when and the amount of force that may be used in making an arrest or preventing an escape.

Also:

S. 598. Relating to Pike County; to provide an additional expense allowance for the coroner of such county.

Also:

S. 316. To amend Sections 125, 605, 1235, 1245, 2311, 2316, 2610, 2611, 2612, 3203, 3210, 3242, 3243, 4006, 4211, 4540, 4606, 4636, 4637, 4640, 4805, 5005, 5010, 5530, 6106, 6110, and 6115 of Act No. 607, S. 33, Regular Session 1977 (Acts 1977, p. 812), as amended, entitled "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act," and to repeal Section 112 of said Act No. 607.

Also:

S. 625. Relating to Franklin County; providing further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.

Also:

S. 611. Relating to Madison County; to provide for a cost of living adjustment for certain officials in Madison County; and to provide that Sections 1, 2 and 3 of this act relating to the increase in compensation of certain county officials shall be effective only if all full time county employees and deputy sheriffs have been provided the same percentage increase as elected officials.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 736. Relating to Mobile County; to provide that any master plumber, journeyman plumber, plumber apprentice or other person qualified to perform plumbing work under the plumber licensing laws of Alabama shall be exempt from taking any further examination in order to obtain any county or municipal license to do business in such county or municipality.

by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 0.

And said Bill, H. B. 736, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

#### S. 109 RESUMED

#### MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Tucker to indefinitely postpone the bill, S. 109, was lost.

Yeas 27; Nays 54.

*Yeas:*

Reps.: Adams (H), Barton, Blake, Bowling, Buskey, Campbell, Clark, Crow, Harrison, Harvey, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), Langford, Mitchell, Naramore, Patton, Rains, Reed, Shavers, Smith (J), Trammell and Wyatt.

—27

*Nays:*

Reps.: Adams (C), Albright, Bedsole, Bennett, Biddle, Cabaniss, Carter, Cates, Cheatwood, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grouby, Hall, Hammett, Harper (T), Hilliard, Holley, Johnson (R. G.), Laird, Lewis, McKee, McMillan, Minus, Moore, Nevett, Olive, Owens, Parker, Payne, Pegues, Ray, Riddick, Roberts, Sandusky, Sassej, Seibels, Smith (C), Smith (M), Starkey, Turner, Venable, Waggoner, Ward, Warren, Willis and Zoghby.

—54

#### AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, S. 109:

Amend Substitute S. B. 109 as follows:

In the title, page 1, line 38, strike the period and insert the following language:

; and to provide that this act shall only apply to products manufactured in the United States.

In Section 4, page 5, lines 36 and 37 strike the entire section, and insert in lieu thereof:

Notwithstanding any provision of this act to the contrary, the provisions of this act shall not apply to products not manufactured in the United States.

#### AMENDMENT TABLED

On motion of Rep. Cabaniss, the amendment offered by Rep. Johnson (Roy) to the bill, S. 109, was tabled.

Yeas 45; Nays 32.

*Yeas:*

Reps.: Adams (C), Bedsole, Biddle, Cabaniss, Carter, Cates, Clark, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grouby, Hall, Hammett, Harper (T), Harvey, Holley, Johnson (R. G.), McKee, Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Seibels, Starkey, Venable, Waggoner, Ward, Warren and Zoghby.

—45

*Nays:*

Reps.: Adams (H), Albright, Barton, Blake, Boles, Bowling, Buskey, Campbell, Cheatwood, Cooley, Crow, Harper (O), Harrison, Hilliard,

Holmes, Horn, Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), Langford, Mitchell, Nevett, Rains, Shavers, Smith (J), Smith (M), Trammell, Turner, Turnham, Willis and Wyatt.

—32

## MOTION TO POSTPONE TABLED

On motion of Rep. Cabaniss, the motion offered by Rep. Barton to postpone further consideration of the bill, S. 109, to 8:00 o'clock p.m., was tabled.

Yeas 46; Nays 33.

*Yeas:*

Reps.: Adams (C), Bedsole, Biddle, Bowling, Cabaniss, Carothers, Carter, Cates, Cosby, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grouby, Hall, Hammett, Harper (T), Harvey, Holley, Johnson (R. G.), Kelley, McKee, Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Roberts, Sasser, Seibels, Shoemaker, Starkey, Venable, Waggoner, Ward, Warren and Zoghby.

—46

*Nays:*

Reps.: Adams (H), Albright, Barton, Bennett, Blake, Brakefield, Buskey, Campbell, Cheatwood, Clark, Cobb, Cooley, Crow, Harper (O), Harrison, Hilliard, Holmes, Horn, Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), Langford, Mitchell, Naramore, Nevett, Rains, Shavers, Smith (J), Smith (M), Trammell, Turner and Wyatt.

—33

## AMENDMENT OFFERED

Rep. Jackson offered the following amendment No. 1 to the bill, S. 109:

Amend S. B. 109 as substituted by adding the following section and appropriately numbering the same:

The provision of this Act shall not apply to any product in use beyond eight years.

## AMENDMENT TABLED

On motion of Rep. Cabaniss, the amendment offered by Rep. Jackson to the bill, S. 109, was tabled.

Yeas 50; Nays 29.

*Yeas:*

Reps.: Adams (C), Bedsole, Biddle, Cabaniss, Carothers, Carter, Cates, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Johnson (R. G.), Lewis, McKee, McMillan, Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Roberts, Sasser, Seibels, Shoemaker, Starkey, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—50



*Nays:*

Reps.: Adams (H), Barton, Blake, Bowling, Brakefield, Buskey, Campbell, Cheatwood, Clark, Coburn, Cooley, Crow, Harrison, Hilliard, Holmes, Horn, Jackson, Johnson (Roy), Kennedy (C), Langford, Naramore, Nevett, Rains, Reed, Shavers, Smith (J), Stout, Trammell and Wyatt.

—29

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 795. Relating to Macon County; to amend further Act No. 102, H. 237, Regular Session 1935 (Local Acts 1935, p. 38), which relates to the selection of the superintendent of education and prescribes his duties, qualifications, compensation and term of office, so as to provide further for his compensation, and to give this act retroactive effect.

Also:

H. 988. To amend further Section 1 of Act No. 47, H. 100, Special Session 1962 (Acts, 1962, p. 63), as amended, fixing the compensation of certain county officers of Elmore County so as to further provide for the compensation and expense allowances of certain county officers.

Also:

H. 1021. Relating to Lauderdale County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

Also:

H. 1022. Relating to Lauderdale County; providing additional compensation for members of the jury commission, payable out of the county treasury.

Also:

H. 1023. To repeal Act No. 507, H. 1180, approved August 24, 1976, Regular Session 1976 (Acts 1976, p. 633), entitled, "An Act Relating to all counties having a population of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing for an additional tax on certain misdemeanor and felony guilty arrests made by the sheriff or sheriff deputies; providing for the collecting of such tax and earmarking the same for the sheriff's department."

Also:

H. 1024. To repeal Act No. 506, H. 1183, approved August 24, 1976, Regular Session 1976 (Acts 1976, p. 633), entitled, "An Act Relating to counties having populations of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing an additional mileage allowance for the sheriff and his deputies."

Also:

H. 1033. Relating to Macon County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

Also:

H. 1036. To further authorize the Geneva County Commission to provide an increase to the clerk-hire allowance for the Tax Assessor and the Tax Collector.

Also:

H. 1037. To amend Act No. 542, H. 1106 of the 1976 Regular Session (1976 Acts, p. 726) entitled "An Act Relating to Geneva County; providing the county governing body may supplement the salary of the circuit judge from the county general fund, up to six thousand dollars, (\$6,000) per annum, so long as such judge is a resident of Geneva County," so as to delete the requirement that the judge be a resident of Geneva County.

Also:

H. 1043. To make appropriation from the general fund of Coffee County for the relief of the tax assessor of said county for services rendered and costs incurred in the performance of his duties; and to give the county commission discretionary power to expend said funds.

Also:

H. 1046. Relating to Bullock County; providing further for the advertisement of notice of intention to apply for passage of local laws.

Also:

H. 1047. Relating to Bullock County; providing an expense allowance for the coroner.

McDOWELL LEE,  
Secretary.

#### S. 109 RESUMED

#### AMENDMENT OFFERED

Rep. Jackson offered the following amendment No. 2 to the bill, S. 109:

Amend S. B. 109 as substituted by adding the following section and appropriately renumbering the same:

No machine, part, instrumentality or product shall be sold, distributed or used beyond eight years of its manufacture, construction and sale.

#### AMENDMENT TABLED

On motion of Rep. Holley, the amendment No. 2 offered by Rep. Jackson to the bill, S. 109, was tabled.

Yeas 51; Nays 30.

*Yeas:*

Mr. Speaker, Adams (C), Bedsole, Biddle, Cabaniss, Carothers, Carter, Cates, Clark, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Lewis, McKee, McMillan Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Sandusky, Sasser, Seibels, Shoemaker, Starkey, Venable, Waggoner, Ward, Warren, Williams and Zoghby.

—51

*Nays:*

Reps.: Adams (H), Amari, Barton, Blake, Bowling, Brakefield, Buskey, Campbell, Cheatwood, Cooley, Crow, Hilliard, Holmes, Horn, Jackson, Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Langford, Naramore, Nevett, Rains, Reed, Shavers, Smith (C), Smith (J), Stout, Trammell and Wyatt.

—30

REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 292. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE NEEDS AND NECESSITIES OF OFF-CAMPUS BRANCHES OR CENTERS OF JUNIOR COLLEGES.

Also:

H. J. R. 301. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1979 REGULAR SESSION OF THE LEGISLATURE WHEN A DATE NOT OTHERWISE SPECIFIED.

Also:

H. J. R. 310. MOURNING THE DEATH OF MRS. MARGHERITA LIGON SWIFT.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 736. Relating to Mobile County; to provide that any master plumber, journeyman plumber, plumber apprentice or other person qualified to perform plumbing work under the plumber licensing laws of Alabama shall be exempt from taking any further examination in order to obtain any county or municipal license to do business in such county or municipality.

And find same correctly enrolled with Executive Amendment.

JACK BIDDLE, III,  
Chairman.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 235. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

Also:

S. 598. Relating to Pike County; to provide an additional expense allowance for the coroner of such county.

Also:

S. 611. Relating to Madison County; to provide for a cost of living adjustment for certain officials in Madison County; and to provide that Sections 1, 2 and 3 of this act relating to the increase in compensation of certain county officials shall be effective only if all full time county employees and deputy sheriffs have been provided the same percentage increase as elected officials.

Also:

S. 620. To provide for the distribution of payments in lieu of taxes by Tennessee Valley Authority of the United States Government made to Limestone County pursuant to Act No. 92 of the 1978 Alabama Legislature, approved August 7, 1978, 1978 Acts of Alabama, Page 1787, among the various governmental units, schools, and hospital in Limestone County which receive distributions of ad valorem tax revenues.

Also:

S. 622. To repeal Act No. 1220, S. 618, Regular Session 1973, (Acts 1983, p. 2068) entitled "An Act To authorize the Tax Assessor, Tax Collector, and Clerk of the Circuit Court, Circuit Judge, Judge of Probate Court, and Judge of the Intermediate Court in all counties having a population of not less than 23,900 nor more than 24,450 to hire clerical assistants, to set the compensation of such assistants, and to provide that the salaries of such assistants be paid from the general funds of such Counties."

Also:

S. 623. Relating to Franklin County; to authorize the tax assessor, tax collector and Judge of Probate to hire clerical assistants, to assist him in the performance of his duties.

Also:

S. 624. Relating to Franklin County; providing further for the compensation of election officials.

Also:

S. 626. Relating to Marshall County; to provide a salary increase for the tax assessor and tax collector for said county and to provide for the effective date of said increase.

Also:

S. 636. Relating to Marshall County; to provide further for the powers and duties of the county commission; to ratify and confirm certain expenditures heretofore made to the custodian of voting machines; and to provide further for the method of compensation of said custodian by the county commission.

Also:

S. 638. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

#### S. 109 RESUMED

#### AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment No. 2 to the bill, S. 109:

In the title, page 1, lines 21 and 34, strike the words and figures "eight (8)" and insert in lieu thereof:

nineteen (19)

In Section 3 (b), page 4, lines 17 and 18, and in Section 3 (d) (3), page 5, line 33, strike the words and figures "eight (8)" and insert in lieu thereof:

nineteen (19)

#### MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Venable offered the motion to reconsider the vote by which the motion to temporarily postpone further consideration of the bill, S. 109, was lost, and the motion to reconsider was adopted.

Yeas 57; Nays 16.

*Yeas:*

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Campbell, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Grouby, Hammett, Harper (T), Harrison, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Langford, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Sasser, Shoemaker, Smith (J), Stout, Tucker, Turnham, Venable, Waggoner, Warren, Willis and Wyatt.

—57

*Nays:*

Reps.: Adams (C), Adams (H), Albright, Blake, Cabaniss, Carter, Cosby, Greer, Hall, Holley, McMillan, Parker, Shavers, Ward, Whatley and Zoghby.

—16

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1039. Relating to Chilton County; to amend Act No. 123, H. 362, 1967 Regular Session (Acts 1967, p. 461), relating to pistol permit fees of such county, so as to increase said fees.

Also:

H. 1040. Relating to Chilton County; to provide an additional expense allowance for the members of the county commission.

Also:

H. 553. Relating to all cities having populations of not less than 6,000 nor more than 11,999 inhabitants according to the 1970 or any subsequent federal decennial census which have held an advisory referendum election in which the electors have expressed a preference for the election of the city board of education; to provide for the election and tenure of members of the city board of education of any such cities.

Also:

H. 945. Applying only to Talladega County; regulating and identifying certain mobile homes; providing for the use of decals for such purpose; and providing fees and penalties.

Also:

H. 946. Applying only to Talladega County; providing for additional fees on certain business and store licenses required for places of business within the county; and providing for penalties for failure to pay such fees.

Also:

H. 948. To authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County; to

authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collection of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and to designate personnel to operate said Library, or to assist therein, and provide for employment of additional personnel for said purpose, and the payment of salaries of such personnel; and to provide additional funds for the support of law enforcement in Talladega County.

Also:

H. 949. Applying only to Talladega County; providing for additional fees to be assessed against taxpayers delinquent in the payment of ad valorem taxes.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1038. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fort Payne, in DeKalb County; to provide for a referendum election on the question of annexation.

Also:

H. 1020. Relating to Russell County; to abolish the office of license inspector; to place the powers, duties and functions of said office in the sheriff of said county; to provide for the disposition of fees accruing from the performance of the duties of license inspectors; and to provide the sheriff with employees to carry out the act.

Also:

H. 960. Relating to Rainbow City in Etowah County, so as to amend Act No. 430, S. 660, 1973 Regular Session, (1973 Acts, p. 624) which relates to the compensation of the chairman and board members of the Rainbow City Gas, Water and Sewer Board, so as to provide further for the compensation of such persons.

McDOWELL LEE,  
Secretary.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 795. Relating to Macon County; to amend further Act No. 102, H. 237, Regular Session 1935 (Local Acts 1935, p. 38), which relates to the selection of the superintendent of education and prescribes his duties, qualifications, compensation and term of office, so as to provide further for his compensation, and to give this act retroactive effect.

Also:

H. 988. To amend further Section 1 of Act No. 47, H. 100, Special Session 1962 (Acts 1962, p. 63), as amended, fixing the compensation of certain county officers of Elmore County so as to further provide for the compensation and expense allowances of certain county officers.

Also:

H. 1021. Relating to Lauderdale County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

Also:

H. 1022. Relating to Lauderdale County; providing additional compensation for members of the jury commission, payable out of the county treasury.

Also:

H. 1023. To repeal Act No. 507, H. 1180, approved August 24, 1976, Regular Session 1976 (Acts 1976, p. 633), entitled, "An Act Relating to all counties having a population of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing for an additional tax on certain misdemeanor and felony guilty arrests made by the sheriff or sheriff deputies; providing for the collection of such tax and earmarking the same for the sheriff's department."

Also:

H. 1024. To repeal Act No. 506, H. 1183, approved August 24, 1976, Regular Session 1976 (Acts 1976, p. 633), entitled, "An Act Relating to counties having populations of not less than 65,500 nor more than 75,200 according to the 1970 or any subsequent federal decennial census; providing an additional mileage allowance for the sheriff and his deputies."

Also:

H. 1033. Relating to Macon County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

Also:

H. 1036. To further authorize the Geneva County Commission to provide an increase to the clerk-hire allowance for the Tax Assessor and the Tax Collector.

Also:

H. 1037. To amend Act No. 542, H. 1106 of the 1976 Regular Session (1976 Acts, p. 726) entitled "An Act Relating to Geneva County; providing the county governing body may supplement the salary of the circuit judge from the county general fund, up to six thousand dollars (\$6,000) per annum, so long as such judge is a resident of Geneva County," so as to delete the requirement that the judge be a resident of Geneva County.



Also:

H. 1043. To make appropriation from the general fund of Coffee County for the relief of the tax assessor of said county for services rendered and costs incurred in the performance of his duties; and to give the county commission discretionary power to expend said funds.

Also:

H. 1046. Relating to Bullock County; providing further for the advertisement of notice of intention to apply for passage of local laws.

Also:

H. 1047. Relating to Bullock County; providing an expense allowance for the coroner.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### S. 109 RESUMED

##### MOTION TO TEMPORARILY POSTPONE

Rep. Venable offered the motion to temporarily postpone further consideration of the bill, S. 109 with pending amendment.

##### MOTION TO TABLE LOST

The motion offered by Rep. Cabaniss to table the motion to postpone offered by Rep. Venable, was lost.

Yeas 36; Nays 48.

*Yeas:*

Reps.: Adams (C), Albright, Bedsole, Biddle, Cabaniss, Carothers, Carter, Cates, Cosby, Drinkard, Ford, Gafford, Greer, Grimsley, Grouby, Hall, Harvey, Hilliard, Hines, Laird, McMillan, Manley, Minus, Moore, Olive, Parker, Patton, Payne, Sandusky, Starkey, Waggoner, Ward, Warren, Whatley, Williams and Zoghby.

—36

*Nays:*

Mr. Speaker, Adams (H), Amari, Barton, Bennett, Blake, Boles, Bowling, Buskey, Campbell, Cheatwood, Clark, Cobb, Coburn, Cooley, Crow, Daniels, Dixon, Edwards, Hammett, Harrison, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), McKee, Naramore, Nevett, Owens, Penry, Rains, Ray, Riddick, Sasser, Shavers, Shoemaker, Smith (J), Smith (M), Stout, Tucker, Turnham, Venable, Willis and Wyatt.

—48

## S. 109 TEMPORARILY POSTPONED

The question was then on the motion offered by Rep. Venable to temporarily postpone further consideration of the bill, S. 109 with pending amendment, and the motion was adopted.

Yeas 53; Nays 33.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Cheatwood, Clark, Cobb, Coburn, Cooley, Crow, Daniels, Dial, Edwards, Harper (T), Harrison, Hilliard, Holley, Holmes, Horn, Howard, Jackson Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Langford, McKee, Naramore, Nevett, Owens, Penry, Rains, Ray, Riddick, Sasser, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stout, Tucker, Venable, Ward and Willis.

—53

*Nays:*

Reps.: Adams (C), Bedsole, Biddle, Carothers, Carter, Cosby, Dixon, Drinkard, Ford, Gafford, Greer, Grimsley, Grouby, Hall, Hammett, Harvey, Hines, Laird, McMillan, Manley, Minus, Moore, Olive, Parker, Patton, Payne, Sandusky, Turner, Waggoner, Warren, Whatley, Williams and Zoghby.

—33

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 494. This bill amends Section 16-5-1 through 16-5-10, Code of Alabama, 1975, an act to establish the Alabama Commission on Higher Education, so as to change the name of the Commission, to expand the membership of the Commission, to establish the Commission as the statewide long-range planning agency for postsecondary education, to provide the Commission with the authority of approval for new units or programs of instruction for academic credit, for advisory coordination of research and public service, the authority to regulate off-campus offering for academic credit, the authority to regulate units or programs of instruction by non-Alabama institutions, to designate the Commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state agency and those functions under the Southern Regional Education Compact heretofore assigned to the State Board of Education.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Pegues, the House nonconcurring in the Senate amendment to the bill, H. 494 and requested a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 494, said Senate amendment being as follows:

Amend House Bill 494, Section 10, Subsection (m), by changing the period to a comma and adding after the word "qualifies" the words, "unless otherwise designated by Executive order."

Amend H. B. 494 on page 6 by striking lines 24 through 28 and inserting in lieu thereof the following:

"The Commission is authorized to appoint a highly qualified person as its Executive Officer with the consent and approval of the Senate of the State of Alabama. The Executive Officer shall be reconfirmed by the Senate on a two-year cycle beginning during the regular session of 1980. Failure of the Senate to confirm or to reconfirm the Executive Officer shall result in his or her immediate dismissal. The Executive Officer shall, with the consent and approval of the Commission, select and supervise the Commission's staff and perform such other duties as may be delegated to him by the Commission, within the amounts made available for the Commission's operation."

Amend H. B. 494 on page 4 by striking after the word "year" on line 31 the remainder of line 31 and all of lines 32 and 33 and inserting in lieu thereof the following:

"The current nine members are subject to reconfirmation by the Senate and shall continue to the expiration of their respective terms subsequent to such reconfirmation, but shall continue to serve as appointed until such reconfirmation. In the event that the Senate shall fail to reconfirm a current member, the Governor shall with the advice and consent of the Senate appoint a replacement for the unexpired term."

Amend H. B. 494 on page 9 by inserting after line 19 the following:

"An exception to the above off-campus authority is provided for the branch campuses of universities or branch campuses of junior colleges in existence at the time of passage of this act whose Fall 1978 registrations exceeded 500 class enrollments and branch campuses of universities operating prior to 1960. For those branches which began operating since 1960 and which received an appropriation of not less than 50 percent of the Alabama Commission on Higher Education's formula funding during the 1980-81 fiscal year, the Commission shall present its recommendation for the continuation or termination of each branch with full findings of fact to the Legislature before a public joint meeting of the education committees of the House and Senate no later than the fifth legislative day of the 1981 regular session of the Legislature. The education committee of each house shall report to its respective house with a concurrence or nonconcurrence on each recommendation of the Commission. Debate on each recommendation shall be limited to one hour of continuous uninterrupted discussion for each recommendation and at the end of such time it shall be mandatory that the President of the Senate and the Speaker of the House shall in their respective houses call for a recorded vote. A resolution by simple majority of both houses is required to affirm a Commission recommendation. No more than one branch shall be continued or terminated in one resolution. A branch campus is a campus location with 500 or more class enrollments."

Yeas 57; Nays 8.

*Yeas:*

Mr. Speaker, Amari, Barton, Bennett, Biddle, Blake, Bowling Brakefield, Buskey, Campbell, Carothers, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Dial, Edwards, Gafford, Greer, Grimsley, Hall, Hammett, Harper (T),

Harvey, Hines, Holley, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy (C), Laird, Langford, Manley, Minus, Moore, Nevett, Owens, Patton, Payne, Pegues, Rains, Riddick, Sasser, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stout, Trammell, Venable, Whatley, Williams and Willis.

—57

*Nays:*

Reps.: Carter, Grouby, Johnson (Roy), McKee, McMillan, Naramore, Penry and Ray.

—8

#### COMMITTEE APPOINTED

The Speaker appointed as the committee on the part of the House, Reps. Pegues, Dial and Ford.

#### MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Rep. Bowling offered the motion to reconsider the vote by which the House nonconcurrent in the Senate amendment to the bill, H. 494, and on motion of Rep. Pegues, the motion to reconsider was tabled.

Yeas 60; Nays 22.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Buskey, Campbell, Carothers, Cheatwood, Clark, Coburn, Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Hammett, Harper (T), Harrison, Harvey, Hilliard, Holmes, Howard, Johnson (R. G.), Kennedy (C), Laird, Lewis, McKee, Manley, Minus, Moore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Riddick, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Tucker, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—60

*Nays:*

Reps.: Adams (C), Bowling, Brakefield, Carter, Cates, Cobb, Crow, Daniels, Gregg, Grouby, Hall, Holley, Johnson (Roy), Kelley, Langford, McMillan, Naramore, Penry, Ray, Smith (C), Venable and Wyatt.

—22

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 38. To amend Sections 30-2-31, 30-2-50, 30-2-51, 30-2-52 and 30-2-54 and to repeal Section 30-2-53, Code of Alabama 1975, each of which relates to divorce and alimony proceedings, so as to authorize the courts to make an allowance for the support of either spouse out of the estate of the other; to consider the misconduct of either spouse in determining the amount of such allowance and to award attorneys' fees in such proceedings.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Smith (J), the House concurred in and adopted the Senate amendment to the bill, H. 38, said Senate amendment being as follows:

Amend House Bill No. 38 as substituted by Senate Judiciary Committee, page 2, line 20, by striking out the period after the word "gift" and adding immediately after the word "gift" the following:

"unless the trial judge finds from the evidence that such property, or income produced by such property, has been used regularly for the common benefit of the parties during their marriage."

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 30-2-31, 30-2-50, 30-2-51, 30-2-52 and 30-2-54 and to repeal Section 30-2-53, Code of Alabama 1975, each of which relates to divorce and alimony proceedings, so as to authorize the courts to make an allowance for the support of either spouse out of the estate of the other; to consider the misconduct of either spouse in determining the amount of such allowance and to award attorneys' fees in such proceedings.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 30-2-31, 30-2-50, 30-2-51, 30-2-52 and 30-2-54 of the Code of Alabama 1975 are hereby amended to read as follows:

"§ 30-2-31. The proceedings in such cases are the same in all respects, and the court has the same power to make an allowance to the wife either spouse out of the estate of the husband other spouse and provide for the custody and education of the children of the marriage, as provided in this Code for divorces from the bonds of matrimony.

"§ 30-2-50. Pending an action for divorce, the court may make an allowance for the support of the wife either spouse out of the estate of the husband other spouse, suitable to his the spouse's estate and the condition in life of the parties, for a period of time not longer than necessary for the prosecution of her the complaint for divorce.

"§ 30-2-51. If the wife either spouse has no separate estate or if it be insufficient for her the maintenance of such spouse, the judge, upon granting a divorce, at his discretion, may order to the wife such spouse an allowance out of the estate of the husband other spouse, taking into consideration the value thereof and the condition of his the spouse's family; provided, however, that the judge may not take into consideration any property acquired prior to the marriage of the parties or by inheritance or gift.

"§ 30-2-52. If the divorce is in favor of the wife either spouse for the misconduct of the husband other spouse, the judge trying the case shall have the right to make an allowance to the wife either spouse out of the husband's estate of either spouse, or not make her an allowance as the circumstances of the case may justify, and if an allowance is made, it must be as liberal as the estate of the husband will permit, regard being had to the condition of his family and to all the circumstances of the case. The misconduct of either spouse may be considered in determining the amount; provided, however, that any property acquired prior to the marriage of the parties or by inheritance or gift may not be considered in determining the amount.

"§ 30-2-54. In all actions for divorce or for the recovery of alimony, maintenance or support in which a judgment of divorce has been issued or is pending and a contempt of court citation has been made by the court against either party, the court may, of its discretion, upon application therefor, award a reasonable sum as fees or compensation of the attorney or attorneys representing both parties."

Section 2. Section 30-2-53 of the Code of Alabama 1975 is hereby expressly repealed.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 67; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Blake, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cosby, Daniels, Drinkard, Edwards, Gafford, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Johnson (R. G.), Laird, Langford, Lewis McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Sandusky, Sasser, Shavers, Shoemaker, Smith (J), Stout, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—67

And the bill, H. 38 as thus amended, was again read at length and passed.

Yeas 71; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Blake, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Gafford, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Jackson, Johnson (R. G.), Laird, Langford, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Sandusky, Sasser, Shavers, Shoemaker, Smith (J), Stewart, Stout, Trammell, Tucker, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—71

#### PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Seibels voting "Yea" on the bill, H. 38.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 640. To amend the title and Section 1 of Act №. 663, H. 1422, Regular Session 1975 (Acts 1975, p. 1388), entitled, "An Act Relating to Lauderdale County; providing further for the election of the members of the county board of education," so as to provide further for the election of the superintendent of education of Lauderdale County.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

Rep. Starkey offered the motion that the House nonconcur in the Senate amendment to the bill, H. 640, said Senate amendment being as follows:

Amend H. 640 as follows:

On line 33 delete the quotation marks and add the following:

Provided, however, that the superintendent shall not be required to live in the school district."

#### SUBSTITUTE MOTION LOST

Rep. Greer offered the substitute motion that the House concur in and adopt the Senate amendment to the bill, H. 640, and the substitute motion was lost.

Yeas 2; Nays 2.

Yeas: Reps.: Coburn and Greer. —2

Nays: Reps.: Harvey and Starkey. —2

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 753. To provide for two clerks in the office of the tax assessor of Bullock County, Alabama; and to fix the method and basis of their employment and compensation.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Reed, the House non-concurred in the Senate amendment to the bill, H. 753, and requested a Committee on Conference on the disagreement of the two Houses on the Senate amendment, said Senate amendment being as follows:

Amend H. B. 753 on page 1, line 14, after the word "assessor" by inserting the following:

"and one clerk in the office of the tax collector of Bullock County, Alabama; and to fix the method and basis of their employment and compensation."

Yeas 1; Nays 0.

Yea: Rep. Cobb.

—1

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Reps. Reed, Ray and Cobb.

#### MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Cobb offered the motion to reconsider the vote by which the House non-concurred in the Senate amendment to the bill, H. 753, and requested a Committee on Conference, and the motion to reconsider was adopted.

Yeas 2; Nays 1.

Yeas: Reps.: Cobb and Wyatt.

—2

Nay: Rep. Reed.

—1

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### H. 753 TEMPORARILY POSTPONED

On motion of Rep. Reed, the bill, H. 753 with Senate amendment, was temporarily postponed.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 944. Relating only to Talladega County; providing for the suspension of the use of beer stamps as a method of collecting certain local taxes under certain circumstances; providing for rules and regulations for the collection of such taxes; and further providing for the reimposition of such beer stamp use under certain circumstances.

McDOWELL LEE,  
Secretary.



SENATE MESSAGE

On motion of Rep. Johnson (R. G.), the House non-concurred in the Senate amendment to the bill, H. 944, and requested a Committee on Conference on the disagreement of the two Houses on the Senate amendment, said Senate amendment being as follows:

Amend H. 944 as follows:

On page one, after line 28, add a new Section 4 as follows:

Section 4. Audit of the books and records, applicable unear said Act No. 1599, shall be conducted on an annual basis.

Renumber subsequent sections accordingly.

Yeas 5; Nays 0.

Yeas: Reps.: Dial, Johnson (R. G.), Moore, Payne and Shoemaker. —5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Johnson (R. G.), Shoemaker and Dial.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 947. Relating only to Talladega County; levying an additional privilege or license tax on the sale or distribution of malt or brewed beverages within the county; and providing for the method of collection thereof.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Shoemaker, the House concurred in and adopted the Senate amendment to the bill, H. 947, said Senate amendment being as follows:

Amend H. 947 as follows:

On page one, in line 18, delete the words "two cents" and insert in lieu thereof the words "one cent".

In line 20 delete the words "within the county".

In line 25 delete the word "not".

Delete Section 4 (lines 32, 33 and 34) and insert a new Section 4 to read as follows:

"Section 4. The tax levied by this Act shall be paid to the probate judge of the county who shall distribute the net proceeds from such license tax after deducting all costs of collection as follows: (a) The sum of \$4,000 dollars shall be paid annually into the county general fund for the sole use as follows: (i) the sum of \$1,000 dollars per annum shall be spent in the unincorporated community of Eastaboga for public projects for the benefit of said community; (ii) the sum of \$1,500 dollars per annum shall be spent in the unincorporated community of Munford to provide rural health care in the existing rural health clinic in said community; and (iii) the sum of \$1,500 dollars per annum shall be spent in the unincorporated community of Munford for youth activities, including the construction, improvement, lighting and maintenance of athletic playing fields; (b) After the payment of the sums provided for in subsection (a) of this Section, 90 per cent of the net proceeds of the said license tax shall be distributed as follows: (i) to the Talladega County Board of Education 40% of said proceeds, (ii) to the Talladega City Board of Education 25% of said proceeds, and (iii) to the Sylacauga City Board of Education 25% of said proceeds, and the remaining 10 percent of the net proceeds shall be paid half to the North Talladega County Association for Retarded Citizens, Inc., and half to the South Talladega County Association for Retarded Citizens, Inc. All distributions under this section are to be in addition to any other appropriation or allocation for such purposes heretofore made."

Yeas 12; Nays 0.

*Yeas:*

Mr. Speaker, Carothers, Cates, Dixon, McKee, Moore, Owens, Roberts, Sasser, Ward, Williams and Willis.

—12

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 947 as thus amended, was again read at length and passed.

Yeas 33; Nays 0.

*Yeas:*

Mr. Speaker, Amari, Buskey, Carothers, Carter, Cates, Clark, Cosby, Crow, Daniels, Dixon, Harper (O), Johnson (R. G.), Kelley, Langford, McKee, McMillan, Manley, Minus, Moore, Owens, Payne, Penry, Roberts, Sasser, Seibels, Shoemaker, Starkey, Trammell, Ward, Williams, Willis and Wyatt.

—33

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 950. Applying only to Talladega County; providing for the creation of a county license inspector and deputy county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and repealing all conflicting provisions of law.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Shoemaker, the House concurred in and adopted the Senate amendment to the bill, H. 950, said Senate amendment being as follows:

Amend H. 950 by changing Section 12 (lines 10 and 11, page 3) to read as follows:

"Section 12. This Act shall become effective January 1, 1980."

Yeas 32; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Biddle, Buskey, Campbell, Carothers, Clark, Crow, Dial, Dixon, Hall, Harper (O), Johnson (R. G.), Kelley, McKee, Manley, Minus, Moore, Owens, Payne, Roberts, Seibels, Shoemaker, Smith (J), Waggoner, Ward, Williams, Willis and Zoghby.

—32

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 950 as thus amended, was again read at length and passed.

Yeas 45; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bennett, Biddle, Buskey, Campbell, Carothers, Cates, Clark, Coburn, Crow, Daniels, Dixon, Edwards, Greer, Grouby, Hall, Harper (O), Johnson (R. G.), Kelley, Laird, McKee, McMillan Manley, Minus, Mitchell, Moore, Olive, Owens, Penry, Seibels, Shoemaker, Smith (J), Stewart, Turnham, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—45

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 938. Relating to St. Clair County; to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages and to provide for the distribution of the proceeds of said tax.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Blake, the House concurred in and adopted the Senate amendment to the bill, H. 938, said Senate amendment being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to St. Clair County; to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages and to provide for the collection and distribution of the proceeds of said tax.

Be It Enacted by the Legislature of Alabama:

Section 1. In St. Clair County, in addition to all other taxes heretofore provided by law, a county privilege, license or excise tax is hereby imposed upon every seller, distributor, storer or user of any malt or brewed beverages (including beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent or more of alcohol by volume) in said county. The additional tax shall be an amount equal to two cents on each twelve fluid ounces or fractional part thereof, of malt or brewed beverages sold, used, consumed or distributed in the county. The tax shall be in addition to all other taxes heretofore or hereafter levied on such beverages; provided, that where the amount of the tax imposed by this Act shall have been paid to the county by any seller, distributor, dealer, or user, such payment shall be sufficient, the intent being that the tax levied by this Act shall be paid but once.

Section 2. (a) The provisions of Act No. 515, H. 1028 of the 1969 Regular Session, requiring the use of tax stamps as the method of paying the tax levied under said Act, may be suspended for successive periods of time not to exceed two years each, by the Chairman of the County Commission with the consent of the county governing body.

(b) All the books and records required by said Act No. 515 to be kept or maintained by any person shall be open to examination by the district attorney of the county, by the attorney general of the State of Alabama, and by the state department of examiners of public accounts at any time, whether

or not the use of stamps is suspended as provided herein. The books and records shall be audited on an annual basis in the event the use of stamps is suspended.

(c) Upon any suspension of the use of stamps, the taxes levied under said Act No. 515 shall be paid in accordance with rules and regulations adopted by the Chairman of the County Commission.

(d) If the use of stamps is suspended, their use may be reimposed under the provisions of said Act No. 515 at any time upon reasonable notice, by the Chairman of the County Commission or by resolution of the county governing body.

(e) At the end of any period of time for which the use of beer stamps is suspended, the use of such stamps may again be suspended for additional periods of time not to exceed two years each, by the Chairman of the County Commission with the consent of the county governing body.

Section 3. The proceeds of the tax imposed by this Act shall be paid into the general fund in the county treasury and shall be disbursed as follows: One-half of the net proceeds shall be paid to the Road and Building Fund, which money shall be used for the operation of the St. Clair County Road Department, in the building and maintenance of all public roads and bridges in the county; the balance of said tax shall remain in the general fund to be disbursed by the St. Clair County Commission as any other funds in the county are disbursed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The provisions of this Act shall become effective on the first day of the month following the expiration of two months from the date this bill becomes law.

Yeas 42; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Blake, Buskey, Campbell, Carothers, Clark, Crow, Daniels, Edwards, Gafford, Grouby, Hall, Hammett, Harper (O), Johnson (R. G.), Kelley, Laird, Langford, McKee, McMillan, Minus, Mitchell, Moore, Owens, Parker, Payne, Penry, Shoemaker, Smith (J), Turnham, Venable, Ward, Williams, Willis, Wyatt and Zoghby.

—42

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 938. Relating to St. Clair County; to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages and to provide for the collection and distribution of the proceeds of said tax.

As thus amended, was again read at length and passed.

Yeas 40; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Buskey, Campbell, Cates, Clark, Crow, Daniels, Dixon, Gilmer, Hall, Hammett, Harper (O), Johnson (R. G.), Kelley, Laird, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Penry, Turnham, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—40

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution, and returns same herewith to the House for its consideration:

H. J. R. 274. CREATING A JOINT SELECT LEGISLATIVE COMMITTEE TO STUDY AND PREPARE FOR THE FEASIBILITY OF ESTABLISHING A STATE LOTTERY, SUBJECT TO RATIFICATION BY THE PEOPLE OF A CONSTITUTIONAL AMENDMENT.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Smith (M), the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 274, said Senate amendment being as follows:

Amend H. J. R. 274, Page 2, Line 36, by striking out the figure "\$20,000.00" and inserting the figure "\$12,000.00"

Yeas 38; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bennett, Biddle, Blake, Buskey, Campbell, Carothers, Cates, Clark, Coburn, Crow, Dixon, Drinkard, Gilmer, Grouby, Harper (O), Johnson (R. G.), McKee, McMillan, Manley, Minus, Mitchell, Olive, Owens, Shoemaker, Smith (J), Smith (M), Turner, Turnham, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—38

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution, and returns same herewith to the House for its consideration:

H. J. R. 296. CREATING A JOINT LEGISLATIVE COMMITTEE ON ENERGY.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Turnham, the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 296, said Senate amendment being as follows:

Amend H. J. R. 296, page 1, by striking out lines 18 thru 21 and in lieu thereof insert the following:

The joint committee shall be composed of ten members, including the lieutenant governor and the speaker of the house, four members from the senate to be appointed by the lieutenant governor and four members from the house of representatives to be appointed by the speaker of the house.

Further amend H. J. R. 296 by striking lines 15, 16 and 17 and inserting in lieu thereof the following "until the end of the 1982 regular session of the legislature"

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Barton, Bennett, Biddle, Blake, Campbell, Carothers, Cates, Clark, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Hall, Hammett, Harper (O), Hines, Johnson (R. G.), Kelley, Laird, Langford, McKee, McMillan, Minus, Owens, Turnham, Ward, Williams, Willis, Wyatt and Zoghby.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 564. Relating to Madison County, to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. McDonald, Smith, and Lemaster.

McDOWELL LEE,  
Secretary.

### SENATE MESSAGE

On motion of Rep. Smith (J), the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 564.

Yeas 39; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Blake, Buskey, Campbell, Clark, Crow, Daniels, Dial, Dixon Edwards, Gilmer, Grimsley, Grouby, Harper (O), Harvey, Johnson (R. G.), Kelley, Laird, Langford, McKee, McMillan, Minus, Mitchell, Nevett, Owens, Riddick, Shoemaker, Smith (J), Starkey, Turner, Turnham, Venable, Ward, Williams, Willis, Wyatt and Zoghby.

—39

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

### COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Smith (J), Smith (M) and Albright.

### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Harrison, the rules were suspended in order to take up out of order the bill, S. 142 as amended by the Report of the Committee on Conference.

Yeas 44; Nays 2.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Carothers, Carter, Cosby, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Laird, Lewis, McMillan, Minus, Moore, Nevett, Olive, Parker, Patton, Reed, Sandusky, Seibels, Shoemaker, Smith (C), Starkey, Turnham, Venable, Waggoner, Williams, Willis, Wyatt and Zoghby.

—44

*Nays:* Reps.: Payne and Tucker.

—2

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.



S. 142 TEMPORARILY POSTPONED

On motion of Rep. Harrison, consideration of the bill, S. 142 as amended by the Report of the Committee on Conference, was temporarily postponed.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 314. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, July 19, 1979, we adjourn to meet again on Monday, July 30, 1979, at 11:00 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 314, was adopted.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side and previously filed a Motion in Writing, Rep. Stewart offered the motion to reconsider the vote by which the rules failed to be suspended for the bill, H. 386, to be passed, and the motion to reconsider was adopted.

Yeas 80; Nays 15.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Coburn, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—80

*Nays:*

Reps.: Boles, Brakefield, Buskey, Cheatwood, Greer, Hall, Hilliard, Holmes, Laird, Langford, Naramore, Nevett, Rains, Trammell and Wyatt.

—15

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 803. To amend Section 41-9-325, Code of Alabama 1975, so as to give the Tannehill Furnace and Foundry Commission the specific power to make and alter rules and regulations governing the Tannehill Historical State Park; to make the violation of such rules a misdemeanor; and to give the commission police power over the park premises.

Also:

H. 23. To require moneys received by criminals as a result, directly or indirectly, of the sale of any story, article, book, play, script, et cetera about any portion of their lives or crimes to be paid to the state board of adjustment for distribution to the victims of their crimes; and to prescribe penalties for violation of this act.

Also:

H. 493. To amend Section 34-26-2, Code of Alabama 1975, which relates to confidential relations and communications between licensed psychologists and their clients, so as to include psychiatrists within this privilege.

Also:

H. 206. Relating to the regulation of the practice of podiatry in Alabama; further amending certain definitions and adding another definition; amending the make up of the State Board of Podiatry; amending the requirements for the renewal of licenses; amending Sections 34-24-230, 34-24-250, and 34-24-275, Code of Alabama, 1975.

Also:

H. 551. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

McDOWELL LEE,  
Secretary.

#### H. 386 RESUMED

#### MOTION TO TEMPORARILY POSTPONE

Rep. Wyatt offered the motion to temporarily postpone the bill, H. 386.

#### SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Owens to suspend the rules in order to vote on passage of the bill, H. 386, was adopted.

On Motion of Rep. Owens, the rules were suspended and the bill, H. 386 as amended, was again read at length and passed.

Yeas 88; Nays 13.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens,

Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—88

*Nays:*

Reps.: Boles, Brakefield, Buskey, Cheatwood, Coburn, Crow, Holmes, Horn, Laird, Langford, Naramore, Nevett and Rains.

—13

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 580. To provide up to a 7% cost-of-living increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to identify the funds from which said cost-of-living increase shall be paid and to provide a procedure for determining availability and paying out of such funds. Also additional funds to Athens State College and the universities.

McDOWELL LEE,  
Secretary.

### SENATE MESSAGE

On motion of Rep. Gafford, the House non-concurred in the Senate amendment to the bill, H. 580, and requested a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, said Senate amendment being as follows:

Amend S. B. 580 by adding the following to subsection (e) of Section 2:

Provided, however, Athens State College and the universities under this subsection shall have authority to transfer funds between line items to grant cost-of-living increases to fulltime support personnel, the intent of the Legislature being that the funds be used to grant cost-of-living raises on a fair and equitable basis for all personnel of said college and the universities.

Amend House Bill 580 by striking subsections (c), (d) and (e) of Section 2 by inserting in lieu thereof the following new subsections:

“(c) The State Board of Education shall receive an appropriation based on all full-time instructors, librarians, and counselors in the technical colleges of up to 7% of the state salary allocated in the 1978-79 fiscal year, to be distributed to the said technical colleges. It is the intent of the Legislature that said funds be used to grant cost of living raises on a fair and equitable basis for all classifications of personnel of said technical colleges.”

(d) The State Board of Education shall receive an appropriation based on all full-time instructors, librarians, and counselors in the junior colleges of up to 7% of the state salary allocated in the 1978-79 fiscal year, to be distributed to the said junior colleges. It is the intent of the Legislature that said funds be used to grant cost of living raises on a fair and equitable basis for all classifications of personnel of said junior colleges.

(e) Athens State College and the universities shall receive an appropriation based on full-time instructional staff of up to 7% of state salary allocated in the 1978-79 Fiscal Year. However, it is the intent of the Legislature that said funds be used to grant cost of living raises on a fair and equitable basis for all classifications of personnel of said college and universities."

Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bennett, Biddle, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Coburn, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Parker, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—79

#### S. 142 TEMPORARILY POSTPONED

On motion of Rep. Waggoner, the bill, S. 142, was temporarily postponed.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 18. To further amend Code of Alabama, 1975 Section 40-14-70, which pertains to the taxation of corporate shares of stock by providing in the first paragraph for assessment at twenty percent rather than thirty percent; by adding the word, "tangible", before the word, "personal"; by rewriting the section beginning with the second paragraph herein to place the provisions of the section in orderly sequence and in consonance with the amendments that have been previously made to the section; by adding the word, "total" before the word, "value"; by omitting the words, "assessed value", and retaining the words, "book value"; by changing the word, "thirty", to "twenty"; replacing the word, "total", with the word, "assessed"; by adding the phrase, "taxable real and tangible personal property owned, assessed, and on which taxes are to be paid by the corporation as shown by such tax return filed by the corporation in the State of Alabama"; by adding the word, "tangible", before the word, "personal" where appropriate; and by changing the word, "taxation" to the word, "stock"; by changing the provisions for deductions of air or water pollution control devices where the air or water pollution control was caused by the domestic corporation; by allowing a deduction for inventory from such taxation.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 494. This bill amends Section 16-5-1 through 16-5-10, Code of Alabama, 1975, an act to establish the Alabama Commission on Higher Education, so as to change the name of the Commission, to expand the membership of the Commission, to establish the Commission as the statewide long-range planning agency for postsecondary education, to provide the Commission with the authority of approval for new units or programs of instruction for academic credit, for advisory coordination of research and public service, the authority to regulate off-campus offering for academic credit, the authority to regulate units or programs of instruction by non-Alabama institutions, to designate the Commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state agency and those functions under the Southern Regional Education Compact heretofore assigned to the State Board of Education.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Higginbotham, Britnell, and White.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 528. Relating to the Transient Occupancy Tax; to increase the rate of said tax in certain counties; and to appropriate the proceeds thereof to the Alabama Mountain Lakes Association and to certain North Alabama counties for travel advertising and promotion; and for such purpose to amend Code of Alabama 1975, Sections 40-26-1 and 40-26-20.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Greer, the House concurred in and adopted the Senate amendment to the bill, said Senate amendment being as follows:

Amend House Bill 528 Section 3, page 2, line 33 to read as follows:

Section 3. This act shall become effective immediately upon the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Amend House Bill Amendment to 528 on page 2, line 24 to read as follows:

After the word "Association" insert:

, after deduction of an agreed upon cost of collection between the counties involved and the state department of revenue, such cost of collection not to exceed five percent,

Yeas 21; Nays 0.

*Yeas:*

Reps.: Amari, Barton, Carter, Clark, Coburn, Dixon, Gilmer, Greer, Hammett, Harper (O), Lewis, McKee, McMillan, Manley, Minus, Payne, Penry, Ray, Starkey, Stout and Zoghby.

—21

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 528 as thus amended, was again read at length and passed.

Yeas 44; Nays 0.

*Yeas:*

Reps.: Adams (H), Albright, Amari, Bedsole, Blake, Brakefield, Carter, Cates, Clark, Coburn, Cosby, Daniels, Dixon, Edwards, Ford, Greer, Hall, Hammett, Harper (O), Holley, Johnson (R. G.), Johnson (Roy), Lewis, McKee, McMillan, Manley, Moore, Owens, Payne, Pegues, Penry, Rains, Roberts, Sasser, Seibels, Shavers, Shoemaker, Starkey, Stewart, Stout, Trammell, Turner, Venable and Warren,

—44

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 3, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,  
Executive Secretary.

DONE THIS 19th DAY OF JULY, 1979.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 3, without my signature and approval and with the following suggested Executive Amendment.

Amend House Bill Number 3 by deleting the House amendment to said bill which reads as follows:

"Section 2. The provisions of this Act shall not diminish the term of any member currently elected to the public service commission."

This Executive Amendment is not intended to affect the Senate amendment to said Bill.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,  
FOB JAMES,  
Governor.

#### GOVERNOR'S MESSAGE

On motion of Rep. Venable, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 3, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 42; Nays 0.

*Yeas:*

Reps.: Bedsole, Biddle, Blake, Brakefield, Clark, Cosby, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Greer, Grimsley, Grouby, Hammett, Harper (O), Hines, Holley, Johnson (R. G.), Kennedy (C), McKee, McMillan, Manley, Moore, Owens, Payne, Pegues, Penry, Rains, Ray, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stout, Trammell, Turner, Turnham and Venable.

—42

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 3. To amend Section 37-1-3, Code of Alabama 1975, so as to provide that the members of the Public Service Commission shall take office the day after the general election at which they were elected.

As thus amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 55; Nays 0.

*Yeas:*

Reps.: Adams (C), Amari, Barton, Biddle, Blake, Brakefield, Carothers, Cates, Clark, Coburn, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Greer, Grimsley, Hall, Hammett, Harper (O), Harvey, Hines, Kennedy (C), Laird, Lewis, McKee, McMillan, Manley, Moore, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Smith (C), Stewart, Stout, Trammell, Turnham, Venable, Ward, Warren, Williams, Willis and Zoghby.

—55

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 56. To amend Section 22-9-30, Code of Alabama 1975, relating to vital statistics so as to further provide for the registration of births by providing for the collection of the normal fee for a birth certificate by the physician, midwife, or other person reporting the birth and the forthwith issuance of a birth certificate by the state registrar.

McDOWELL LEE,  
Secretary.

### SENATE MESSAGE

On motion of Rep. Owens, the House concurred in and adopted the Senate amendment to the bill, H. 56, said Senate amendment being as follows:

To amend House Bill 56, page 2, line 11, by adding after the period, the following: "The issuance of a certified copy of the birth certificate by the State Registrar may not apply to births where adoption or illegitimation is indicated or where the infant's death occurred a short time following the birth, unless the certificate is requested by the father or mother."

Further amending on page 3, line 19, by striking the words immediately upon and inserting in lieu thereof "October 1, 1979, following."

Amend H. 56 as follows:

On page 1 in line 27 strike the words: "by the physician," and in line 28 strike the words: "midwife, or other person" and before the word "reporting" insert the words and the

On page two, line 8 strike the words "In each case" and strike in their entirety lines 9, 10, 11 and in line 12 strike the words: "accordance with this section."

and in lines 12 and 13 strike the clause: "In each case where there was no physician or midwife in attendance upon the birth" and insert the following: The institution in which the child is born, or in the case the child is not born in an institution then and in line 14 strike the words "the householder or owner off" and strike in their entirety lines 15 and 16 and on line 17 strike the words: "the birth occurred, each in the order named,"



In lines 19 and 20 strike the words: "In such case and in case the physician, midwife or other" and insert the words: If the

In line 35, strike the words: "the physician or midwife or other" and insert the word: the

Yeas 43; Nays 0.

*Yeas:*

Reps.: Bedsole, Biddle, Blake, Brakefield, Campbell, Cates, Coburn, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Greer, Grimsley, Hammett, Harper (O), Harvey, Hines, Laird, McKee, McMillan, Mitchell, Moore, Olive, Owens, Parker, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Smith (C), Stewart, Trammell, Turner, Venable, Ward, Warren, Williams and Willis.

—43

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 56. To amend Section 22-9-30, Code of Alabama 1975, relating to vital statistics so as to further provide for the registration of births by providing for the collection of the normal fee for a birth certificate and the reporting the birth and the forthwith issuance of a birth certificate by the state registrar.

As thus amended, was again read at length and passed.

Yeas 43; Nays 0.

*Yeas:*

Reps.: Adams (C), Barton, Bedsole, Biddle, Blake, Brakefield, Campbell, Cates, Clark, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Greer, Grimsley, Harper (O), Harper (T), Harvey, Kennedy (Y), Langford, Lewis, McKee, McMillan, Manley, Mitchell, Olive, Owens, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Starkey, Stewart, Turner, Venable, Ward, Williams and Willis.

—43

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Dial offered the motion to reconsider the vote by which the House non-concurred in the Senate amendment to the bill, H. 944, and requested a Committee on Conference, and the motion to reconsider was adopted.

Yeas 8; Nays 0.

*Yeas:*

Reps.: Biddle, Blake, Dial, Gafford, Manley, Moore, Trammell and Warren.

—8

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 944. Relating only to Talladega County; providing for the suspension of the use of beer stamps as a method of collecting certain local taxes under certain circumstances; providing for rules and regulations for the collection of such taxes; and further providing for the reimposition of such beer stamp use under certain circumstances.

Was again taken up.

#### SENATE MESSAGE

On motion of Rep. Dial, the House concurred in and adopted the Senate amendment to the bill, H. 944, said Senate amendment being set out previously in a Message from the Senate.

Yeas 14; Nays 0.

*Yeas:*

Reps.: Blake, Clark, Dial, Hines, Johnson (R. G.), Kennedy (C), McMillan, Manley, Minus, Mitchell, Moore, Sasser, Shoemaker and Venable.

—14

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 944 as thus amended, was again read at length and passed.

Yeas 16; Nays 0.

*Yeas:*

Reps.: Barton, Biddle, Blake, Dial, Hines, Johnson (R. G.), McKee, Manley, Mitchell, Moore, Pegues, Ray, Sasser, Shoemaker, Venable and Waggoner.

—16

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 753 AGAIN TAKEN UP

And the bill:

H. 753. To provide for two clerks in the office of the tax assessor of Bullock County, Alabama; and to fix the method and basis of their employment and compensation.

With Senate amendment which previously was temporarily postponed, was taken up.

SENATE MESSAGE

On motion of Rep. Reed, the House non-concurred in the Senate amendment to the bill, H. 753, and requested a Committee on Conference on the disagreement of the two Houses to the Senate amendment, said Senate amendment being set out in a previous Message from the Senate.

Yeas 7; Nays 0.

Yeas:

Reps.: Barton, Clark, Hines, McKee, Manley, Rains and Reed.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Reed, Ray and Cobb.

S. 210 TEMPORARILY POSTPONED

On motion of Rep. Cabaniss, the bill, S. 210, was temporarily postponed.

COMMITTEE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House on the disagreement of the two Houses on the Senate amendment to the bill, H. 580, Reps. Gafford, Carter and Owens.

H. 953 TEMPORARILY POSTPONED

On motion of Rep. Owens, the bill, H. 953 with Senate amendment was temporarily postponed.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 553. Relating to all cities having populations of not less than 6,000 nor more than 11,999 inhabitants according to the 1970 or any subsequent federal decennial census which have held an advisory referendum election in which the electors have expressed a preference for the election of the city board of education; to provide for the election and tenure of members of the city board of education of any such cities.

Also:

H. 945. Applying only to Talladega County; regulating and identifying certain mobile homes; providing for the use of decals for such purpose; and providing fees and penalties.

Also:

H. 946. Applying only to Talladega County; providing for additional fees on certain business and store licenses required for places of business with the county; and providing for penalties for failure to pay such fees.

Also:

H. 948. To authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collection of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and to designate personnel to operate said Library, or to assist therein, and provide for employment of additional personnel for said purpose, and the payment of salaries of such personnel; and to provide additional funds for the support of law enforcement in Talladega County.

Also:

H. 949. Applying only to Talladega County; providing for additional fees to be assessed against taxpayers delinquent in the payment of ad valorem taxes.

Also:

H. 960. Relating to Rainbow City in Etowah County, so as to amend Act No. 430, S. 660, 1973 Regular Session, (1973 Acts, p. 624) which relates to the compensation of the chairman and board members of the Rainbow City Gas, Water and Sewer Board, so as to provide further for the compensation of such persons.

Also:

H. 1020. Relating to Russell County; to abolish the office of license inspector; to place the powers, duties and functions of said office in the sheriff of said county; to provide for the disposition of fees accruing from the performance of the duties of license inspectors; and to provide the sheriff with employees to carry out the act.

Also:

H. 1038. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fort Payne, in DeKalb County; to provide for a referendum election on the question of annexation.

Also:

H. 1039. Relating to Chilton County; to amend Act No. 123, H. 362, 1967 Regular Session (Acts 1967, p. 461), relating to pistol permit fees of such county, so as to increase said fees.

Also:

H. 1040. Relating to Chilton County; to provide an additional expense allowance for the members of the county commission.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### MOTION TO RECESS

Rep. Warren offered the motion that the House recess from 6:00 o'clock p.m. until 7:30 o'clock p.m.

### SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Manley that the House adjourn until 11:00 o'clock a.m., Monday, July 30, 1979, was lost.

Yeas 12; Nays 62.

*Yeas:*

Reps.: Barton, Buskey, Campbell, Clark, Greer, Harvey, Kennedy (C), Langford, Letson, Manley, Nevett and Smith (J).

—12

*Nays:*

Mr. Speaker, Adams (C), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Carter, Cheatwood, Cobb, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Hilliard, Hines, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird, McKee, McMillan Minus, Moore, Naramore, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Seibels, Shoemaker, Smith (C), Smith (M), Stewart, Trammell, Tucker, Venable, Waggoner, Warren, Willis and Wyatt.

—62

### MOTION TO RECESS ADOPTED

The question was then on the motion offered by Rep. Warren that the House recess from 6:00 o'clock p.m. until 7:30 o'clock p.m., and the motion was adopted.

S. 109 AGAIN TAKEN UP  
AMENDMENT OFFERED

Rep. Cooley offered the following amendment No. 4 to the bill, S. 109 with pending amendment:

In the title, page 1, lines 21 and 34, strike the words and figures "eight (8)" and insert in lieu thereof:

ten (10)

In Section 3 (b), page 4, lines 17 and 18, and in Section 3 (d) (3), page 5, line 33, strike the words and figures "eight (8)" and insert in lieu thereof:

ten (10)

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 5.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Harvey, Hilliard, Holley, Johnson (R. G.), Jhonson (Roy), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Parker, Patton, Penry, Rains, Ray, Reed, Roberts, Seibels, Shoemaker, Smith (C), Trammell, Turner, Venable, Warren, Williams, Willis and Zoghby.

*Nays:* Reps.: Greer, Jackson, Kennedy (C), Smith (J) and Tucker. —5

And the bill, S. 109, as thus amended, was read a third time at length and passed.

Yeas 40; Nays 10.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Bennett, Carothers, Carter, Cates, Clark, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Grimsley, Hammett, Holley, Johnson (R. G.), Kennedy (Y), Laird, McKee, McMillan, Minus, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Roberts, Shoemaker, Smith (C), Venable, Ward, Williams, Willis and Zoghby.

—40

*Nays:*

Reps.: Barton, Blake, Bowling, Harrison, Hilliard, Jackson, Johnson (Roy), Rains, Reed and Stout.

—10

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 210. To provide for a definition of terms as used in this Act; to provide a statement of Legislative intent; to provide that in all product liability actions, evidence that a plaintiff's medical or hospital expenses claimed as damages have been or will be paid or reimbursed by medical or hospital insurance or pursuant to the medical and hospital payment provisions of the law governing workmen's compensation shall be admissible in evidence; to provide that a plaintiff may introduce evidence of the cost of obtaining reimbursement or payment of such medical or hospital expenses; to provide that a plaintiff may recover as damages a reasonably related portion of the cost of obtaining such medical or hospital payments; to provide that where a plaintiff is obligated to repay such medical or hospital expenses no evidence of payment or reimbursement not otherwise admissible shall be admissible; to provide for the repeal of inconsistent laws or parts of law; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Which previously was temporarily postponed, was read a third time at length and passed.

Yeas 52; Nays 18.

*Yeas:*

Mr. Speaker, Adams (C), Bedsole, Bennett, Biddle, Bowling, Cabaniss, Carothers, Carter, Cates, Coburn, Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Hammett, Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Kelley, Laird, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Turner, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—52

*Nays:*

Reps.: Amari, Barton, Blake, Cheatwood, Clark, Crow, Harrison, Hilliard, Howard, Kennedy (C), Kennedy (Y), Langford, Naramore, Payne, Stout, Trammell, Tucker and Wyatt.

—18

## MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 54. To authorize the legislature of the State of Alabama to control the usage of certain portions of streets, parking lots and grounds in or near the state capitol complex in the City of Montgomery; and to direct the Chief of Services of the Division of Services to work in cooperation with the legislature as herein provided.

Also:

S. 258. To amend extensively the "Sunset Act of 1976", in particular: Sections 40-20-2 through 40-20-5 and 40-20-10 through 40-20-14 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies regulating occupations and professions; to eliminate numerous agencies from the purview of the provisions of this act with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to allow the committee flexibility in its recommendations for the agency under consideration; to reconstitute the membership of the Sunset Committee and to provide for the chairman to be elected from among the membership; to remove certain ex officio members and to add others to the committee; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

Also:

S. 314. To amend Sections 610 and 630 of Act No. 607 S. 33, Regular Session 1977 (Acts 1977, p. 812), the Alabama Criminal Code, so as to further provide and clarify the instances when a person may use deadly physical force in defense of a person and to further provide and clarify the instances when and the amount of force that may be used in making an arrest or preventing an escape.

Also:

S. 316. To amend Sections 125, 605, 1235, 1245, 2311, 2316, 2610, 2611, 2612, 3203, 3210, 3242, 3243, 4006, 4211, 4540, 4606, 4636, 4637, 4640, 4805, 5005, 5010, 5530, 6106, 6110, and 6115 of Act No. 607, S. 33, Regular Session 1977 (Acts 1977, p. 812), as amended, entitled "An Act To provide an entirely new criminal code for the State of Alabama; defining offenses, fixing punishment; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act," and to repeal Section 112 of said Act No. 607.

Also:

S. 559. Relating to controlled substances; establishing the Controlled Substances Therapeutic Research Act; providing for the limited distribution of cannabis (also known as "marijuana"), and certain of its derivatives, to qualified patients for defined therapeutic and research purposes; prescribing the qualifications and standards and the procedure for implementation; authorizing the state board of medical examiners to create a review committee; prescribing the membership of such committee; requiring certain reporting and accountability from the committee, the physician and the state board of medical examiners; restricting the distribution and the use of the drug to alleviate the nausea and other ill-effects of cancer chemotherapy, and, additionally, the ill-effects of glaucoma under strictly controlled circumstances; further defining controlled substances, Schedules I and II; providing for



cooperation with and authorization to contract with federal agencies for the implementation of the program; and prescribing penalties for violating the provisions of this act.

Also:

S. 625. Relating to Franklin County; providing further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.

Also:

S. 627. To amend Section 41-16-50 of the Code of Alabama, 1975, relating to awarding certain public contracts involving \$2,000 or more, so as to further provide for circumstances under which the contract may be awarded to other than the lowest bidder; and to make the provisions of the act retroactive.

Also:

S. 639. Relating to Jackson County; to provide for the distribution of funds received by the county from payments in lieu of taxes made by the Tennessee Valley Authority.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

And the bill:

S. 88. (With Amendment): To amend Section 5-1-17 of the Code of Alabama 1975 relating to special certificates of deposit so as to prescribe certain procedures relating to the maturity of such certificates.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Banking, said committee amendment being as follows:

Amend S. 88 as substituted and amended by striking lines 26 through 31 and substituting in lieu thereof the following:

"on return thereof, must be cancelled. Provided, however, that in case of certificates of deposit issued for more than ninety (90) days which are automatically renewable, such corporation or company shall send within a reasonable period, but in no event less than five (5) days before the next maturity, a written notice of maturity to the last known address of record."

And the amendment was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Biddle, Blake, Buskey, Carothers, Cates, Clark, Daniels, Dial, Dixon, Drinkard, Edwards, Ford,

Gafford, Grimsley, Grouby, Hammett, Harper (O), Harvey, Hines, Holley, Johnson (R. G.), Kelley Kennedy (Y), Laird, McMillan, Manley, Minus, Moore, Olive, Owens, Payne, Penry, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Stout, Trammell, Venable, Ward, Warren, Williams, Willis and Zoghby.

—51

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 88, as thus amended, was read a third time at length and passed.

Yeas 47; Nays 0.

*Yeas:*

Mr. Speaker, Bennett, Biddle, Blake, Bowling, Carothers, Carter, Cates, Clark, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Grimsley, Hammett, Harper (O), Harrison, Harvey, Hilliard, Hines, Holley, Howard, Johnson (R. G.), Kelley, McKee, McMillan, Manley, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Trammell, Venable, Waggoner, Ward, Williams and Willis.

—47

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 247. To amend Sections 23-1-271 through 23-1-273 and 23-1-280 of the Code of Alabama 1975, as amended, relating to the "Highway Beautification Act—Outdoor Advertising," so as to delay the removal of all non-conforming motorist directional signs until all other non-conforming signs have been removed and to provide exemption from removal for certain motorist directional signs where such removal would cause a substantial negative economic impact in a defined area, and to ensure that in situations where just compensation must be paid for sign removal, that payment is made by the responsible removing authority; and to provide an effective date.

Was read a third time at length and passed.

Yeas 36; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bennett, Cates, Clark, Cobb, Cosby, Dial, Dixon, Drinkard, Ford, Greer, Grouby, Hammett, Harper (O), Harrison, Holley, Kelley, McKee, McMillan, Manley, Olive, Owens, Penry, Rains, Ray, Seibels, Shoemaker, Starkey, Stewart, Stout, Venable, Ward, Willis and Zoghby.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Waggoner to suspend the rules in order to take up out of order the bill, S. 142 as amended by the Report of the Committee on Conference, was lost.

And the bill:

S. 321. To amend Section 32-5-2, Code of Alabama 1975, so as to require owners of real property used for public vehicular travel to meet certain traffic control requirements.

Was read a third time at length and passed.

Yeas 60; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Cabaniss, Carothers, Carter, Cates, Clark, Cobb, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gilmer, Greer, Gregg, Grouby, Hammett, Harper (O), Harper (T), Harrison, Holley, Johnson (R. G.), Kelley, Kennedy (Y), Langford, McKee, Manley, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Ward, Warren, Williams, Willis and Zoghby.

—60

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 953. To provide for a cost-of-living increase for all state employees and officials, including certain judges under certain circumstances, and other elected officials; to provide for revision of pay rates by the State Personnel Director and by the Administrative Director of Courts; to provide for the conditions prior to the granting of the conditional cost-of-living increase hereby authorized; to otherwise provide for and identify the funds from which said cost-of-living increase shall be paid and to appropriate such additional funds as may be necessary to pay such increase, subject to the condition of the state treasury and/or the availability of monies otherwise appropriated for any purpose during the fiscal year ending September, 30, 1980.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Owens, the House non-concurred in the Senate amendment to the bill, H. 953, and requested a Committee on Conference on the disagreement of the two Houses on the Senate amendment, said Senate amendment being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for a cost-of-living increase for all state employees and officials, including certain judges under certain circumstances, and certain other officials; to provide for revision of pay rates by the State Personnel Director and by the Administrative Director of Courts; to provide for the conditions prior to the granting of the conditional cost-of-living increase hereby authorized; to otherwise provide for and identify the funds from which said cost-of-living increase shall be paid and to appropriate such additional funds as may be necessary to pay such increase, subject to the condition of the state treasury and/or the availability of monies otherwise appropriated for any purpose during the fiscal year ending September 30, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning on October 1, 1979, and payable in a lump sum quarterly, all state employees who are listed in the classified and unclassified service of the state as defined in the Code of Alabama 1975, Section 36-26-10, and all other state employees and all hourly employees of the state, except those set out in Section 2 herein, and all legislative personnel, officers, and employees, including but not limited to Legislative Reference Service personnel, whether subject to the state merit system or not, and non-elected officials, all circuit clerks and registers, and all other elected officials of the judicial branch of government and all employees of the County Health Departments, who are employed subject to the State Merit System and whose compensation is paid out of a budget provided and agreed upon by the state, county, or other contributing agency under the direction of the State Board of Health and all state judges, except as provided in Section 2, shall receive a conditional cost-of-living increase in their salaries or compensation up to 7% conditional as provided herein. The amount of the conditional appropriation shall be determined during any quarter of the fiscal year conditional upon the condition of the state treasury upon the State Budget Officer's determination that funds otherwise appropriated and/or any additional monies in the state treasury are available to pay such conditional increase. The amount of such cost-of-living increase up to 7% shall be determined by the State Budget Officer on the basis of the percent of increase which can be paid and supported by the monies otherwise appropriated to and among the same departments, boards, bureaus, commissions, agencies, offices, or institutions for fiscal year 1979-80 and/or the condition of the state treasury as provided in this Act; and it is the intention of the Legislature that the Governor be, and he is hereby authorized to, transfer such amounts to, from, and between such departments, boards, bureaus, commissions, agencies, offices, and institutions under his direct control for the purpose of paying the cost-of-living increase for state employees and officials; and cost-of-living increase granted under the provisions of this act shall in no way apply to any local supplement provided to any judges or any other employees of this state.

Section 2. The provisions of this Act shall not apply to any merit system employee or hourly employee whose service or rates of pay are covered by any labor agreement or contract, nor shall this Act apply to state judges whose salaries are payable from the State Treasury if such judges' salaries are increased under and by virtue of: (1) the recommendations contained in the Report of the Judicial Compensation Commission to the 1979 Regular Session of the Legislature becoming law; or (2) the enactment into law of legislation altering and amending said Report, or (3) any other legislation

enacted into law during the 1979 Regular Session of the Legislature; nor shall this Act apply to any person who, or any quarter in which said person, was not employed for the entire quarter.

Section 3. The State Budget Officer shall determine the amounts necessary to pay appropriations for each quarter of the fiscal year ending September 30, 1980, from the funds from which salaries are paid and from the general fund. In the event revenues accrue to the funds from which salaries are paid and to the state general fund for each of the four quarters of the fiscal year in amounts beyond those funds necessary to pay the above mentioned appropriations, the State Budget Officer shall certify those additional funds, if any, as being available for the conditional salary increases provided by this Act.

Section 4. The State Budget Officer shall allot funds available under the provisions of this Act under similar procedures as provided in Article 4, Chapter 4, Title 41, of the Code of Alabama 1975, for the purposes of paying the conditional cost-of-living salary increases provided by this Act.

Section 5. Upon allotment by the State Budget Officer, the State Treasurer shall issue a warrant in the amount determined to be available for each quarter for the conditional cost-of-living salary increases provided by this Act.

Section 6. In the event the entitlement for one quarter is not available in any quarter, such deficit shall be made up in subsequent quarters as funds are available.

Section 7. The State Personnel Director shall revise the schedule of rates for all employees and officials hereby affected regardless of whether subject to the State Merit System, to reflect the increase herein provided. The State Personnel Board shall certify to the State Comptroller the new rates of pay regardless of whether subject to the merit system, that each classification, employee or official is entitled to receive, and the Comptroller shall issue warrants in accordance therewith. With respect to court officials and employees within the Unified Judicial System who serve the trial courts of the state and the Administrative Office of Courts, the Administrative Director of Courts shall revise the salaries and schedule of rates set forth in the pay plan for such court officials and employees to reflect the increase herein provided, and shall certify the same to the State Comptroller who shall issue warrants in accordance therewith. Anything herein to the contrary notwithstanding, such revisions shall be made only once at the end of the Fiscal Year, that is on September 30, 1980, and shall reflect the actual total annual increase in rates of pay, resulting from the conditional quarterly payments.

Section 8. There is hereby appropriated, for the Fiscal Year beginning October 1, 1979, and ending September 30, 1980, from the funds from which the salaries of the several state employees and officials are paid, or if there is not sufficient money in such funds, then from the General Fund, such additional sums as may be necessary to pay the cost-of-living increase herein provided for such state employees and officials as are subject to the provisions of this Act. This appropriation is conditional on the availability of funds.

Section 9. No state employee or other person covered under the provisions of this Act shall receive a cost-of-living increase under the provisions of the Act out of any funds in the state treasury or otherwise unless the cost-of-living increase is granted to all state employees or persons covered under the provisions of this Act equally and sufficient funds are certified as being available on an equal basis by the Governor for all state employees or other persons covered under the provisions of this Act.

Section 10. In the event any section, sentence, clause, or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses, or portions of this Act, which shall continue effective.

Section 11. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 70; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Holmes, Johnson (R. G.), Kelley, Kennedy (C), Kennedy (Y), Langford, McKee, McMillan, Manley, Minus, Naramore, Olive, Owens, Parker, Pegues, Penry, Ray, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—70

#### COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Gafford, Carter and Owens.

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Gafford, the rules were suspended in order to take up out of order the bill, S. 142.

Yeas 65; Nays 11.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Boles, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Cooley, Cosby, Crow, Dial, Edwards, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Hilliard, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (Y), Lewis, McKee, McMillan, Manley, Moore, Nevet, Olive, Owens, Parker, Pegues, Penry, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Venable, Waggoner, Warren, Williams, Willis and Zoghby.

—65

*Nays:*

Reps.: Adams (H), Blake, Bowling, Coburn, Harper (O), Harrison, Holley, Naramore, Payne, Rains and Ray.

—11

MOTION TO TEMPORARILY POSTPONE TABLED

On motion of Rep. Gafford, the motion offered by Rep. Holley to temporarily postpone the bill, S. 142 as amended by the Report of the Committee on Conference, was tabled.

Yeas 30; Nays 22.

*Yeas:*

Reps.: Amari, Bedsole, Bennett, Biddle, Cabaniss, Campbell, Carter, Cosby, Edwards, Ford, Gafford, Grouby, Harper (T), Lewis, McKee, McMillan, Moore, Olive, Parker, Pegues, Sandusky, Seibels, Smith (J), Smith (M), Stewart, Trammell, Venable, Waggoner, Willis and Zoghby.

—30

*Nays:*

Mr. Speaker, Adams (H), Blake, Bowling, Buskey, Cooley, Crow, Dial, Hall, Harrison, Holley, Johnson (Roy), Kennedy (Y), Langford, Naramore, Owens, Payne, Penry, Rains, Riddick, Sasser and Shoemaker.

—22

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO TEMPORARILY POSTPONE ADOPTED

On motion of Rep. Holley, the bill, S. 142 as amended by the Report of the Committee on Conference, was temporarily postponed.

Yeas 40; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Bedsole, Bennett, Bowling, Cabaniss, Campbell, Carter, Cobb, Cooley, Crow, Dial, Gilmer, Grouby, Hammett, Harper (T), Hines, Johnson (R. G.), Kelley, Kennedy (Y), McKee, Minus, Moore, Naramore, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Shoemaker, Smith (C), Trammell, Venable and Waggoner.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RECESS

On motion of Rep. Warren heretofore adopted, the House recessed at 6:00 o'clock p.m. until 7:30 o'clock p.m.

## HOUSE RECONVENED

The hour of 7:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

REPORT OF COMMITTEE ON CONFERENCE  
ON HOUSE BILL 753

We, the Committee on Conference appointed to reconcile the difference between the two Houses concerning House Bill 753 have met and considered the matter referred and beg leave to report as follows:

That the Senate amendment to House Bill 753 be deleted in its entirety and the bill as originally passed by the House be accepted.

WAYNE COBB,  
THOMAS REED,  
JAMES E. RAY,

Conferees on the part of the House.

MIKE WEEKS,  
FINIS ST. JOHN,  
HINTON MITCHEM.

Conferees on the part of the Senate.

A BILL  
TO BE ENTITLED  
AN ACT

To provide for two clerks in the office of the tax assessor of Bullock County, Alabama; and to fix the method and basis of their employment and compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor of Bullock County is hereby authorized, if in his discretion it is necessary to the proper functioning of his office, to nominate persons for the positions of chief clerk and assistant clerk. The following persons shall constitute an appointing body for the actual appointment of said clerks: The senator from Bullock County, the two representatives of Bullock County, the tax assessor, the chairman of the county commission, and two associate commissioners selected by the chairman. A majority vote of the appointing body shall be necessary for any appointments hereby authorized. The clerks herein authorized shall serve at the will and pleasure of the tax assessor of Bullock County.

Section 2. The salary of the chief clerk shall be \$8,400.00 per year and the salary of the assistant clerk shall be \$7,400.00 per year, each to be paid out of the general fund of Bullock County in equal monthly installments; provided that the county commission shall have the discretion of paying said salaries from whatever funds or sources as may be available for such purposes.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.



Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

COMMITTEE ON CONFERENCE REPORT ADOPTED

On motion of Rep. Reed, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 753, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 25; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Buskey, Cates, Clark, Cobb, Cosby, Crow, Dial, Dixon, Edwards, Grimsley, Hines, Johnson (R. G.), Kelley, Manley, Minus, Pegues, Ray, Shoemaker, Smith (M), Starkey, Venable, Ward and Willis.

—25

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 753. To provide for two clerks in the office of the tax assessor of Bullock County, Alabama; and to fix the method and basis of their employment and compensation.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 40; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cates, Clark, Cobb, Cosby, Dial, Dixon, Edwards, Ford, Grimsley, Harper (O), Harper (T), Harvey, Hines, Laird, Langford, McKee, McMillan, Manley, Naramore, Pegues, Ray, Sandusky, Seibels, Shoemaker, Starkey, Stewart, Stout, Turner, Venable, Ward, Williams, Willis and Zoghby.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 397. To amend Title 44, Chapter 2 of the Code of Alabama 1975 by adding thereto The Interstate Compact on the Placement of Children.

Was read a third time at length and passed.

Yeas 50; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Biddle, Bowling, Brakefield, Buskey, Carothers, Cates, Clark, Cosby, Dixon, Edwards, Ford, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Hilliard, Hines, Horn, Johnson (R. G.), Kelley, Laird, Langford, McMillan, Manley, Mitchell, Naramore, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Stout, Venable, Ward, Williams, Willis and Zoghby.

—50

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 274. CREATING A JOINT SELECT LEGISLATIVE COMMITTEE TO STUDY AND PREPARE FOR THE FEASIBILITY OF ESTABLISHING A STATE LOTTERY, SUBJECT TO RATIFICATION BY THE PEOPLE OF A CONSTITUTIONAL AMENDMENT.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 528. Relating to the Transient Occupancy Tax; to increase the rate of said tax in certain counties; and to appropriate the proceeds thereof to the Alabama Mountain Lakes Association and to certain North Alabama counties for travel advertising and promotion; and for such purpose to amend Code of Alabama 1975, Sections 40-26-1 and 40-26-20.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 23. To require moneys received by criminals as a result, directly or indirectly, of the sale of any story, article, book, play, script, et cetera about any portion of their lives or crimes to be paid to the state board of adjustment for distribution to the victims of their crimes; and to prescribe penalties for violation of this act.

Also:

H. 38. To amend Sections 30-2-31, 30-2-50, 30-2-51, 30-2-52 and 30-2-54 and to repeal Section 30-2-53, Code of Alabama 1975, each of which relates to divorce and alimony proceedings, so as to authorize the courts to make an allowance for the support of either spouse out of the estate of the other; to consider the misconduct of either spouse in determining the amount of such allowance and to award attorneys' fees in such proceedings.

Also:

H. 206. Relating to the regulation of the practice of podiatry in Alabama; further amending certain definitions and adding another definition; amending the make up of the State Board of Podiatry; amending the requirements for the renewal of licenses; amending Sections 34-24-230, 34-24-250, and 34-24-275, Code of Alabama, 1975.

Also:

H. 493. To amend Section 34-26-2, Code of Alabama 1975, which relates to confidential relations and communications between licensed psychologists and their clients, so as to include psychiatrists within this privilege.

Also:

H. 551. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

Also:

H. 803. To amend Section 41-9-325, Code of Alabama 1975, so as to give the Tannehill Furnace and Foundry Commission the specific power to make and alter rules and regulations governing the Tannehill Historical State Park; to make the violation of such rules a misdemeanor; and to give the commission police power over the park premises.

Also:

H. 938. Relating to St. Clair County; to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages and to provide for the collection and distribution of the proceeds of said tax.

Also:

H. 947. Relating only to Talladega County; levying an additional privilege or license tax on the sale or distribution of malt or brewed beverages within the county; and providing for the method of collection thereof.

Also:

II. 950. Applying only to Talladega County; providing for the creation of a county license inspector and deputy county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and repealing all conflicting provisions of law.

Also:

H. 18. To further amend Code of Alabama, 1975 Section 40-14-70, which pertains to the taxation of corporate shares of stock by providing in the first paragraph for assessment at twenty percent rather than thirty percent; by adding the word, "tangible", before the word, "personal"; by rewriting the section beginning with the second paragraph herein to place the provisions of the section in orderly sequence and in consonance with the amendments that have been previously made to the section; by adding the word, "total" before the word, "value", by omitting the words, "assessed value", and retaining the words, "book value"; by changing the word, "thirty", to "twenty"; replacing the word, "total", with the word "assessed"; by adding the phrase, "taxable real and tangible personal property owned, assessed, and on which taxes are to be paid by the corporation as shown by such tax return filed by the corporation as shown by such tax return filed by the corporation in the State of Alabama"; by adding the word, "tangible", before the word, "personal" where appropriate; and by changing the word, "taxation" to the word, "stock"; by changing the provisions for deductions of air or water pollution control devices where the air or water pollution control was caused by the domestic corporation; by allowing a deduction for inventory from such taxation.

Also:

H. J. R. 296. CREATING A JOINT LEGISLATIVE COMMITTEE ON ENERGY.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 386. To make annual appropriations for the support, maintenance, and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1980.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES

Rep. Venable offered the motion to suspend the rules and take up out of order the bill, S. 40.

DIVISION OF THE QUESTION

Rep. Tucker called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Rep. Venable to suspend the rules in order to take up out of order the bill, S. 40, and the motion was adopted.

Yeas 74; Nays 13.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Cates, Clark, Cobb, Cooley, Cosby, Crow, Daneils, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harrison, Harvey, Holley, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, McMillan, Manley, Minus, Mitchell, Moore, Olive,

Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Turner, Venable, Waggoner, Ward, Warren, Whatley, Willis and Zoghy.

—74

*Nays:*

Reps.: Albright, Carothers, Dixon, Hall, Harper (T), McKee, Parker, Riddick, Sasser, Shavers, Trammell, Tucker and Williams.

—13

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 753. To provide for two clerks in the office of the tax assessor of Bullock County, Alabama; and to fix the method and basis of their employment and compensation.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Weeks, St. John, and Mitchem.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 580. To provide up to a 7% cost-of-living increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to identify the funds from which said cost-of-living increase shall be paid and to provide a procedure for determining availability and paying out of such funds. Also additional funds to Athens State College and the universities.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Pearson, St. John, and Smith.

McDOWELL LEE,  
Secretary.

#### S. 40 RESUMED

#### MOTION TO TEMPORARILY POSTPONE

Rep. Venable offered the motion to temporarily postpone the bill, S. 40.

SUBSTITUTE MOTION TABLED

On motion of Rep. Venable, the substitute motion offered by Rep. Jackson to postpone the bill, S. 40, to the thirtieth legislative day, was tabled.

Yeas 72; Nays 12.

*Yeas:*

Reps.: Adams (C), Adams (H), Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Edwards, Ford, Gafford, Gilmer, Grouby, Hammett, Harper (O), Harrison, Harvey, Hines, Holley, Horn, Howard, Johnson (R. G.), Kelley, Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—72

*Nays:*

Mr. Speaker, Albright, Boles, Campbell, Dixon, Hall, Harper (T), Jackson, Kennedy (C), Kennedy (Y), Rains and Shavers.

—12

S. 40 TEMPORARILY POSTPONED

On motion of Rep. Venable, the bill, S. 40, was temporarily postponed.

Yeas 82; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Horn, Howard, Jackson, Johnson (R. G.), Kennedy (Y), Laird, Letson, McKee, McMilkan, Manley, Minus, Mitchell, Moore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—82

RESOLUTION

The following resolution was introduced:

By Reps. Kelley and Clark:

H. J. R. 315. ESTABLISHING JOINT INTERIM COMMITTEE ON ELECTRICITY.

WHEREAS, it is deemed desirable (1) to assure the most efficient, economical and orderly rendition of electric service within the State of Alabama, (2) to minimize the duplication of electric service, (3) to encourage the

extension and location of electric power delivery facilities in a manner most compatible with the state's economic development and enhancement of its physical environment and (4) to preserve the economic values inherent in electric power delivery facilities heretofore and hereafter lawfully constructed by electric power suppliers; and

WHEREAS, it is the recognized policy of this state to avoid wasteful uneconomic duplication of electric facilities, the cost of which must be borne by the customer; and

WHEREAS, it is deemed appropriate and desirable that the State establish and implement a procedure whereby territorial and/or duplication problems in the area of electric power distribution can be solved in a manner that is fair and equitable to the three principal distributors of electricity, vis, investor owned electric utilities, rural electric cooperatives and municipal electric systems; and

WHEREAS, it is the desire of this Legislature to establish a Joint Interim Committee to work with appropriate segments of the electric power industry in the state in an attempt to devise fair and equitable legislation protective of the legitimate purposes and economic considerations affecting each electric power supplier;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that a Joint Interim Committee shall be established and conducted as follows:

1. The Committee shall consist of three members of the House of Representatives and three members of the Senate. The three members of the Committee from the House shall be appointed by the Speaker of the House and the three members from the Senate shall be appointed by the Lieutenant Governor. The members of the Committee shall choose a chairman.
2. The Committee shall have authority to employ research assistance. The Clerk of the House and the Secretary of the Senate shall provide secretarial assistance. The members of the Committee shall receive the same pay, per diem and travel expenses that is received when the Legislature is in session; provided, however, that the Committee shall not meet a total of more than twelve days.
3. The Committee shall consult with appropriate representatives of investor-owned electric utilities, rural electric cooperatives and municipal electric systems outside the Tennessee Valley Authority service area and shall attempt, in working with them, to devise proposed legislation consistent with the recitals contained in the foregoing WHEREAS clauses. The Committee shall only propose legislation if it is able to devise fair and equitable legislation satisfactory to investor-owned utilities, electric cooperatives and municipal electric systems operating in the State. If the Committee is unable to devise legislation satisfactory to these three industry segments, it shall propose no legislation. The Committee shall report any suggested legislation it may devise to the Legislature no later than February 1, 1980.
4. The Committee shall be funded from moneys appropriated to the use of the Legislature but its sole expenses shall not exceed the amount of \$7,000.

BE IT FURTHER RESOLVED that copies of this Resolution be provided to the Secretary of the Senate and the Clerk of the House of Representatives.



The resolution, H. J. R. 315, was read and referred to the Standing Committee on Rules.

And the bill:

S. 164. (With Amendment): To amend Section 33-5-10 of the Code of Alabama 1975, relating to certificates of boat registration, so as to require certain officials in the state to issue annual certificates of registration for boats.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Natural Resources, said Committee amendment being as follows:

Amend Senate Bill 164, Section 1, page 2, line 18, by adding after the word "fee" the words "and a 50¢ issuance fee to the department."

#### AMENDMENT TABLED

On motion of Rep. McMillan, the amendment was tabled.

Yeas 49; Nays 3.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bennett, Biddle, Blake, Buskey, Cabaniss, Cates, Dial, Dixon, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Jackson, Johnson (R. G.), Kelley, Laird, Langford, McKee, McMillan, Mitchell, Moore, Olive, Owens, Parker, Penry, Ray, Reed, Roberts, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams and Willis.

—49

*Nays:* Reps.: Manley, Minus and Rains.

—3

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### AMENDMENT OFFERED

Rep. Dial offered the following amendment to the bill, S. 164:

Amend S. B. 164 on page 2, line 11 by striking \$.50 and adding \$.25

#### AMENDMENT LOST

And the amendment lost.

Yeas 34; Nays 34.

*Yeas:*

Reps.: Adams (C), Albright, Bowling, Brakefield, Campbell, Carothers, Cates, Clark, Cooley, Cosby, Dial, Dixon, Edwards, Grimsley, Harvey, Holmes, Horn, Howard, Johnson (R. G.), Langford, Lewis, McKee, Manley, Naramore, Owens, Payne, Pegues, Rains, Seibels, Smith (C), Starkey, Venable, Ward and Warren.

*Nays:*

Mr. Speaker, Barton, Bedsole, Bennett, Blake, Cabaniss, Cheatwood, Gilmer, Grouby, Hall, Hammett, Harper (O), Harper (T), Jackson, Kennedy (C), McMillan, Minus, Mitchell, Moore, Olive, Parker, Patton, Penry, Ray, Reed, Roberts, Shavers, Smith (J), Stewart, Stout, Tucker, Turner, Williams and Willis.

—34

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 56. To amend Section 22-9-30, Code of Alabama 1975, relating to vital statistics so as to further provide for the registration of births by providing for the collection of the normal fee for a birth certificate and the reporting the birth and the forthwith issuance of a birth certificate by the state registrar.

Also:

H. 944. Relating only to Talladega County; providing for the suspension of the use of beer stamps as a method of collecting certain local taxes under certain circumstances; providing for rules and regulations for the collection of such taxes; and further providing for the reimposition of such beer stamp use under certain circumstances.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### S. 164 RESUMED

#### MOTION TO POSTPONE TABLED

On motion of Rep. McMillan, the motion offered by Rep. Dial to postpone further consideration of the bill, S. 164, temporarily, was tabled.

Yeas 33; Nays 28.

*Yeas:*

Reps.: Bedsole, Bennett, Blake, Bowling, Cabaniss, Carothers, Cosby, Crow, Grouby, Harper (O), Harper (T), Holmes, Jackson, Johnson (R. G.), Kennedy (C), Letson, McMillan, Minus, Mitchell, Naramore, Parker, Patton, Pegues, Penry, Riddick, Roberts, Sandusky, Shavers, Smith (J), Smith (M), Stewart, Turner and Warren.

—33

*Nays:*

Mr. Speaker, Albright, Barton, Carter, Cates, Clark, Cooley, Dial, Dixon, Gilmer, Hall, Harvey, Horn, Laird, Langford, Lewis McKee, Manley, Olive, Payne, Rains, Ray, Seibels, Shoemaker, Smith (C), Stout, Venable and Willis.

—28

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Naramore offered the motion to reconsider the vote by which the motion to temporarily postpone the bill, S. 164, was tabled, and the motion to reconsider was adopted.

Yeas 57; Nays 19.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Barton, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Cheatwood, Cooley, Daniels, Dial, Dixon, Edwards, Gilmer, Grimsley, Hall, Hammett, Harrison, Harvey, Hilliard, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, Moore, Naramore, Olive, Owens, Payne, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Tucker, Turnham, Venable, Ward, Willis and Wyatt.

—57

*Nays:*

Reps.: Bedsole, Blake, Buskey, Cosby, Crow, Grouby, Harper (O), Harper (T), Jackson, Kennedy (C), McMillan, Minus, Parker, Patton, Sandusky, Stewart, Turner, Warren and Zoghby.

—19

S. 164 TEMPORARILY POSTPONED

On motion of Rep. Dial, the bill, S. 164, was temporarily postponed.

Yeas 61; Nays 14.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Cooley, Daniels, Dial, Dixon, Edwards, Gilmer, Grimsley, Hall, Hammett, Harper (O), Harvey, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, Moore, Naramore, Olive, Owens, Payne, Penry, Rains, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Turnham, Venable, Ward, Warren, Williams, Willis and Wyatt.

—61

*Nays:*

Reps.: Bedsole, Blake, Buskey, Cosby, Grouby, Harper (T), Kennedy (C), McMillan, Minus, Patton, Ray, Stewart, Turner and Zoghby.

—14

And the bill:

S. 347. To authorize the mayor or other chief executive officer of any municipality in this state to appoint a parole board, its members and term of office, and to prescribe duties thereof and of parole officers in granting and revoking paroles and work or educational releases; to confer powers of arrest upon parole officers, with or without warrant.

Was read a third time at length and passed.

Yeas 57; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bennett, Blake, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Cobb, Cooley, Cosby, Crow, Dixon, Edwards, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy (C), Laird, Langford, Letson, McKee, Manley, Mitchell, Olive, Owens, Rains, Ray, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Stewart, Stout, Trammell, Venable, Ward, Williams and Willis.

—57

*Nays:* Reps.: Adams (H) and Turner.

—2

And the bill:

S. 443. To further regulate architects and the practice of architecture and to repeal sections 34-2-1 through 34-2-24, Code of Alabama 1975.

Was read a third time at length and passed.

Yeas 37; Nays 5.

*Yeas:*

Reps.: Adams (C), Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Grouby, Hammett, Harper (O), Harvey, Howard, Johnson (R. G.), Langford, McKee, McMillan, Naramore, Olive, Owens, Payne, Penry, Rains, Seibels, Shoemaker, Smith (C), Trammell, Venable and Willis.

—37

*Nays:* Reps.: Cates, Kennedy (C), Ray, Tucker and Ward.

—5

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### S. 197 TEMPORARILY POSTPONED

On motion of Rep. Campbell, the bill, S. 197, was temporarily postponed.

And the bill:

S. 451. To prohibit possession of a firearm at demonstrations by anyone other than an on duty law enforcement officer, and prescribe penalties for violations of this Act.

Was read a third time at length and passed.

Yeas 62; Nays 0.

*Yeas:*

Reps.: Adams (H), Barton, Bedsole, Bennett, Biddle, Buskey, Cabaniss, Carothers, Cheatwood, Cobb, Cooley, Crow, Daniels, Drinkard, Edwards, Ford, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy (C), Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Stewart, Trammell, Turner, Venable, Ward, Warren, Willis and Zoghby.

—61

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 109. To provide for definition of terms as used in this Act; to provide a statement of Legislative intent; to provide a comprehensive system of time limitations for the commencement and maintenance of product liability actions; to provide that all product liability actions must be commenced within one (1) year from the time the personal injury, death or property damage occurs; to provide that where the personal injury is a result of insidious disease, the action must be commenced within one (1) year of the date such injury was or in the exercise of reasonable diligence should have been discovered; to provide that a product liability action must be brought, in any event, within ten (10) years of the date the product was put to use; to provide that time limitations provided herein may be waived by express written agreement; to provide that product liability actions arising from the breach of a duty to take or not to take certain actions with respect to a product, coinciding with the failure by the defendant to comply with a government requirement to take or not to take such action, may be brought within one (1) year of the time the personal injury, death or property damage arising from such failure occurs; to provide that such actions resulting from insidious disease may be brought within one (1) year from the date such personal injury was or in the exercise of reasonable diligence should have been discovered; to provide that such actions must be brought in any event within ten (10) years from the date of the imposition of the governmental requirements; to provide that the provisions of this Act are inseparable and nonseverable; to provide that this Act shall not be retroactive; and to provide a manner in which this bill becomes law.

McDOWELL LEE,  
Secretary.

And the bill:

S. 572. To amend Sections 16-30-1 and 16-30-4, Code of Alabama 1975, relating to the immunization of school children, so as to require any student who has not been immunized upon initial entry into a school in Alabama, must show proof of immunization at the commencement of the next school year.

Was read a third time at length and passed.

Yeas 66; Nays 0.

*Yeas:*

Reps.: Adams (H), Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Clark, Cobb, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Grimsley Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy (C), Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Stewart, Trammell, Turner, Venable, Ward, Warren, Williams, Willis and Zoghby.

—66

And the bill:

S. 482. (With Amendments): To provide for secret Grand Jury proceedings and that secrecy inviolate; and further, to provide for the form and content of Grand Jury Reports, and to set criminal penalties for the unauthorized solicitation of, release and/or disclosure of evidence, testimony and other matters pertaining to Grand Jury proceedings; provides for an oath of secrecy to be given Grand Jury witnesses, and further proscribes criminal penalties for the obstruction of Grand Jurors, Grand Jury witnesses and their testimony.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend Substitute for S. 482 on Page 4, Section IV, Line 27, by inserting after the word "shall" the word wilfully.

Further Amend Substitute for S. 482, on Page 6, Section IX, Line 6, by striking the word empounded and inserting in lieu thereof, the word empaneled.

And the amendment was adopted.

Yeas 59; Nays 0.

*Yeas:*

Reps.: Barton, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Cates, Cheatwood, Cobb, Daniels, Dixon, Drinkard, Edwards, Ford, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy (C), Langford, Letson, Lewis, McMillan, Mitchell, Naramore, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Stewart, Trammell, Tucker, Turner, Venable, Warren, Willis and Wyatt.

—59

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on State Administration, said committee amendment being as follows:

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Amend Substitute for S. 482 on Section XII, Line 30, Page 6, by adding after the word "provisions" the following:

of Sections II, III, IV, and V.

And the amendment was adopted.

Yeas 62; Nays 1.

*Yeas:*

Reps.: Adams (C), Barton, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Cates, Cheatwood, Clark, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Hilliard, Holley, Holmes, Horn, Howard, Kelley, Langford, Letson, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Trammell, Tucker, Turner, Venable, Ward, Warren, Whatley, Williams, Willis Wyatt and Zoghby.

—62

*Nay:* Rep. Dial.

—1

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend Substitute for S. 482, Section II, Line 34, Page 2 by inserting after the word "shall" the word wilfully.

Further Amdned Substitute for S. 482, Section II, Line 23, page 3, by inserting after the word "shall" the word wilfully.

Further Amend Substitute for S. 482, Section XIII, Line 11, page 7, by inserting after the word "other" the word reasonable.

And the amendment was adopted.

Yeas 61; Nays 1.

*Yeas:*

Reps.: Adams (C), Albright, Barton, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Grouby, Hall, Hammett, Harper (T), Hilliard, Holley, Holmes, Howard, Kelley, Kennedy (C), Langford, Letson, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

*Nay:* Rep. Dial.

—1

And the bill, S. 482 as thus amended, was read a third time at length and passed.

Yeas 59; Nays 11.

*Yeas:*

Reps.: Adams (C), Albright, Amari, Barton, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Daniels, Dixon,

Edwards, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Harvey, Hilliard, Holley, Holmes, Howard, Kennedy (C), Langford, Letson, McKee, McMillan, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Trammell, Tucker, Turner, Venable, Whatley, Williams, Willis, Wyatt and Zoghyb.

—59

*Nays:*

Reps.: Blake, Clark, Crow, Dial, Harper (O), Johnson (R. G.), Kelley, Manley, Stewart, Ward and Warren.

—11

And the bill:

S. 394. To permit business and nonprofit corporations to give, pay, expend or contribute money, or services or anything of value for the purposes of establishing, administering or soliciting voluntary contributions to a separate, segregated fund to be utilized for political purposes including aiding or promoting the nomination or election of any person who is or becomes a candidate for political or party office and aiding or promoting the interest and success, or defeat of any political party or proposition; to regulate the solicitation of contributions to such separate, segregated funds; and to amend Title 17, Section 17-22-3, entitled "Corrupt practices enumerated generally" and Title 10, Section 10-2-168, entitled "Giving aid or contributions to political parties or candidates, etc.", Code of Alabama (1975) to provide that it shall not be unlawful for any corporation to expend or contribute money or services or anything of value for the purposes of establishing, administering, or soliciting voluntary contributions to a separate, segregated fund established and administered pursuant to the provisions of this act.

Was taken up.

#### AMENDMENT OFFERED

Rep. Kelley offered the following amendment to the bill, S. 349:

Amend S. B. 349, page 2, by striking in its entirety subsection 2 of Section 1, line 27 through 29, and inserting in lieu thereof the following:

(2) The custodians of any separate, segregated political fund established hereunder shall file with the office of the Secretary of State of the State of Alabama such financial disclosure reports or statements now required of a candidate for public office. Filing with the Secretary of State a copy of the information required to be filed with the Federal Election Commission by such separate, segregated fund shall constitute compliance with the reporting provisions of this act.

And the amendment was adopted.

Yeas 46; Nays 11.

*Yeas:*

Reps.: Adams (C), Adams (H), Barton, Bennett, Biddle, Cabaniss, Campbell, Carothers, Clark, Cooley, Cosby, Daniels, Dixon, Edwards, Gilmer, Hammett, Harper (T), Harvey, Holley, Johnson (R. G.), Kelley, Laird,



Langford, Letson, McMillan, Manley, Mitchell, Moore, Olive, Parker, Payne, Pegues, Penry, Riddick, Roberts, Shoemaker, Stewart, Trammell, Tucker, Turner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—46

*Nays:*

Reps.: Blake, Bowling, Brakefield, Cheatwood, Crow, Drinkard, Hall, Hilliard, Howard, Kennedy (C) and Naramore.

—11

#### MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Harrison to indefinitely postpone the bill, S. 349 as amended, was lost.

*Yeas:*

Reps.: Albright, Barton, Bennett, Blake, Bowling, Brakefield, Buskey, Cheatwood, Cobb, Cooley, Crow, Drinkard, Ford, Hall, Harper (O), Harrison, Harvey, Hilliard, Holmes, Howard, Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), Langford, Naramore, Stout, Trammell, Tucker and Wyatt.

—30

*Nays:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Biddle, Cabaniss, Carothers, Cosby, Daniels, Dial, Dixon, Edwards, Gilmer, Grimsley, Hammett, Harper (T), Johnson (R. G.), Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Parker, Patton, Payne, Pegues, Rains, Ray, Riddick, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Stewart, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—47

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 294. To amend Section 2, Subsection III (a) (9) (c) of Act No. 597, H. 244 of the 1978 Regular Session, which act makes appropriations from various funds of the State for the ordinary expenses of the executive, legislative and judicial functions of government for the fiscal year ending September 30, 1979, so as to increase the A. B. C. Board appropriation in the Administrative Services Program by \$1,000,000.

Also:

H. 239. To provide for the granting of up to five (5) years creditable service under the Teachers' Retirement System of Alabama for employment-service in public education rendered in states other than Alabama; to provide further for the granting up to five (5) years creditable service under the Employees' Retirement System of Alabama for public employment rendered in states other than Alabama; to provide for the

methods and procedures to calculate the member contributions required to purchase such credit and the conditions for eligibility; and to provide that the member shall pay the total cost for such credit.

McDOWELL LEE,  
Secretary.

### S. 349 RESUMED

motion to postpone tabled

On motion of Rep. Roberts, the motion offered by Rep. Holmes to temporarily postpone the bill, S. 349 as amended, was tabled.

Yeas 41; Nays 36.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Bedsole, Cabaniss, Clark, Cosby, Daniels, Dial, Dixon, Harper (T), Hines, Holley, Johnson (R. G.), Kelley, Letson, Lewis, McKee, McMillan, Manley, Minus, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Roberts, Sasser, Seibels, Shoemaker, Smith (M), Stewart, Turner, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—41

*Nays:*

Reps.: Albright, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Cheatwood, Cooley, Crow, Drinkard, Ford, Grimsley, Hall, Hammett, Harper (O), Harrison, Harvey, Hilliard, Holmes, Howard, Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), Langford, Naramore, Rains, Ray, Reed, Stout, Trammell, Tucker, Venable and Wyatt.

—36

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 239. To provide for the granting of up to five (5) years creditable service under the Teachers' Retirement System of Alabama for employment-service in public education rendered in states other than Alabama; to provide further for the granting of up to five (5) years creditable service under the Employees' Retirement System of Alabama for public employment rendered in states other than Alabama; to provide for the methods and procedures to calculate the member contributions required to purchase such credit and the conditions for eligibility; and to provide that the member shall pay the total cost for such credit.

Also:

H. 294. To amend Section 2, Subsection III (a) (9) (c) of Act No. 597, H. 244 of the 1978 Regular Session, which act makes appropriations from various funds of the State for the ordinary expenses of the executive,

legislative and judicial functions of government for the fiscal year ending September 30, 1979, so as to increase the A. B. C. Board appropriation in the Administrative Services Program by \$1,000,000.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### MOTION TO POSTPONE TABLED

On motion of Rep. Roberts, the motion offered by Rep. Tucker to postpone the bill, S. 349 as amended, until Friday, July 20, 1979, was tabled.

Yeas 49; Nays 31.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Brakefield, Cabaniss, Campbell, Cheatwood, Clark, Daniels, Dial, Dixon, Edwards, Hammett, Harper (T), Hines, Holley, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Riddick, Roberts, Seibels, Shoemaker, Smith (M), Stewart, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—49

*Nays:*

Reps.: Albright, Bennett, Blake, Bowling, Buskey, Cobb, Cooley, Crow, Drinkard, Ford, Grimsley, Hall, Harper (O), Harrison, Harvey, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), Langford, Naramore, Rains, Reed, Stout, Trammell, Tucker and Wyatt.

—31

### MOTION TO POSTPONE TABLED

On motion of Rep. Roberts, the motion offered by Rep. Harrison to postpone the bill, S. 349 as amended, to the thirtieth legislative day, was tabled.

Yeas 51; Nays 34.

*Yeas:*

Mr. Speaker, Adams (C), Bedsole, Biddle, Bowling, Cabaniss, Campbell, Clark, Cosby, Daniels, Dial, Dixon, Edwards, Grouby, Hammett, Harper (T), Hines, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (M), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—51

*Nays:*

Reps.: Albright, Bennett, Blake, Brakefield, Buskey, Cheatwood, Cobb, Cooley, Crow, Drinkard, Ford, Grimsley, Hall, Harper (O), Harrison, Harvey, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), Langford, Naramore, Rains, Reed, Seibels, Stout, Tucker, Turnham and Wyatt.

—34

#### AMENDMENT OFFERED

Rep. Jackson offered the following amendment to the bill, S. 349 as amended:

Amend Senate Bill 349 by adding the following Section.

This Act shall be known as the Corporate Woolf Pact Takeover Act.

#### MOTION TO POSTPONE TABLED

On motion of Rep. Roberts, the motion offered by Rep. Johnson (Roy) to postpone the bill, S. 349 as amended and with pending amendment, to the thirtieth legislative day, was tabled.

Yeas 44; Nays 38.

*Yeas:*

Mr. Speaker, Adams (C), Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Clark, Cosby, Dial, Dixon, Edwards, Gilmer, Harper (T), Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, Manley, Minus, Olive, Owens, Parker, Patton, Payne, Pegues, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (M), Stewart, Turner, Venable, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—44

*Nays:*

Reps.: Albright, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Cobb, Cooley, Crow, Drinkard, Ford, Hall, Harper (O), Harrison, Harvey, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), Langford, Naramore, Rains, Reed, Shavers, Smith (C), Stout, Trammell, Tucker, Turnham and Wyatt.

—38

#### AMENDMENT TABLED

On motion of Rep. Roberts, the amendment offered by Rep. Jackson to the bill, S. 349 as amended, was tabled.

Yeas 45; Nays 36.

*Yeas:*

Mr. Speaker, Adams (C), Bedsole, Cabaniss, Campbell, Carter, Clark, Cosby, Dial, Dixon, Edwards, Gilmer, Grimsley, Harper (T), Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, Manley, Minus, Olive, Owens, Parker, Patton, Payne, Pegues, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (M), Stewart, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—45

*Nays:*

Reps.: Albright, Barton, Biddle, Blake, Bowling, Brakefield, Buskey, Cheatwood, Cobb, Cooley, Crow, Drinkard, Ford, Hall, Harper (O), Harrison, Harvey, Hilliard, Holley, Holmes, Horn, Howard Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), Langford, Naramore, Rains, Reed, Shavers, Smith (C), Stout, Trammell, Tucker and Wyatt.

—36

MOTION TO REMOVE FROM TABLE ADOPTED

Rep. Holley offered the motion to remove from the table the motion offered by Rep. Holmes to temporarily postpone the bill, S. 349 as amended, and the motion was adopted.

Yeas 44; Nays 43.

*Yeas:*

Reps.: Albright, Barton, Bennett, Blake, Bowling, Brakefield, Buskey, Cates, Cheatwood, Cobb, Cooley, Crow, Dial, Drinkard, Ford, Grimsley, Hall, Harper (O), Harrison, Harvey, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), Langford, Mitchell, Naramore, Penry, Rains, Ray, Reed, Shavers, Smith (C), Stout, Trammell, Tucker, Turnham, Venable and Wyatt.

—44

*Nays:*

Mr. Speaker, Adams (C), Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Clark, Cosby, Dixon, Gafford, Gilmer, Hammett, Harper (T), Johnson (R. G.), Kelley, Laird, Letson, McKee, Manley, Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (M), Turner, Waggoner, Ward, Warren, Whatley, Williams and Zoghby.

—43

MOTION TO POSTPONE TABLED

On motion of Rep. Roberts, the motion offered by Rep. Holley to postpone the bill, S. 349 as amended, temporarily, was tabled.

Yeas 44; Nays 43.

*Yeas:*

Mr. Speaker, Adams (C), Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Clark, Cosby, Dixon, Gafford, Gilmer, Grouby, Hammett, Harper (T), Johnson (R. G.), Kelley, Letson, Lewis, McKee, Manley, Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Riddick, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (M), Turner, Waggoner, Ward, Warren, Whatley, Williams and Zoghby.

—44

*Nays:*

Reps.: Albright, Barton, Bennett, Blake, Bowling, Brakefield, Buskey, Cates, Cheatwood, Cobb, Cooley, Crow, Daniels, Dial, Drinkard, Ford,

Grimseley, Hall, Harper (O), Harrison, Harvey, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), Langford, Mitchell, Naramore Penry, Rains, Ray, Reed, Smith (C), Stout, Trammell, Turnham, Venable and Wyatt.

—43

And the bill. S. 349 as thus amended, was read a third time at length and passed.

Yeas 46; Nays 37.

*Yeas:*

Mr. Speaker, Adams (C), Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Clark, Cosby, Dixon, Gafford, Gilmer, Grouby, Hammett, Harper (T), Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Riddick, Saddusky, Sasser, Seibels, Shavers, Shoemaker, Smith (M), Turner, Waggoner, Ward, Warren, Whatley, Williams and Zoghby.

—46

*Nays:*

Reps.: Barton, Bennett, Blake, Bowling, Brakefield, Buskey, Cates, Cheatwood, Cooley, Daniels, Dial, Drinkard, Ford, Grimsley, Harper (O), Harrison, Harvey, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), Langford, Naramore, Penry, Rains, Ray, Reed, Stout, Trammell, Tucker, Turnham and Venable.

—37

#### MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Rep. Shavers offered the motion to reconsider the vote by which the bill, S. 349 as amended, was passed, and on motion of Rep. Roberts, the motion to reconsider was tabled.

Yeas 51; Nays 41.

*Yeas:*

Mr. Speaker, Adams (C), Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Clark, Cosby, Dixon, Edwards, Gafford, Gilmer, Grouby, Hall, Hammett, Harper (T), Harvey, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (M), Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams and Zoghby.

—51

*Nays:*

Reps.: Adams (H), Albright, Barton, Bennett, Blake, Bowling, Brakefield, Buskey, Cheatwood, Cobb, Cooley, Crow, Daniels, Dial, Drinkard, Ford, Grimsley, Harper (O), Harrison, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), Langford, Mitchell, Naramore, Penry, Rains, Ray, Reed, Shavers, Smith (C), Stout, Tucker, Turnham and Wyatt.

—41

REPORT OF CONFERENCE COMMITTEE  
HOUSE BILL 494

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill 494 have met, considered the matter, and agreed to the following report:

Substitute for House Bill 494 is attached.

LEIGH PEGUES,  
JOE M. FORD,  
GERALD DIAL,

Conferees on the part of the House.

G. J. HIGGINBOTHAM,  
CHARLIE BRITNELL,  
DEWEY WHITE, JR.,

Conferees on the part of the Senate.

A BILL  
TO BE ENTITLED  
AN ACT

This bill amends Section 16-5-1 through 16-5-10, Code of Alabama, 1975, an act to establish the Alabama Commission on Higher Education, so as to change the name of the Commission, to expand the membership of the Commission, to establish the Commission as the statewide long-range planning agency for postsecondary education, to provide the Commission with the authority of approval for new units or programs of instruction for academic credit, for advisory coordination of research and public service, the authority to regulate off-campus offerings for academic credit, the authority to regulate units or programs of instruction by non-Alabama institutions, to designate the Commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state agency and those functions under the Southern Regional Education Compact heretofore assigned to the State Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-5-1 through 16-5-10, Code of Alabama, 1975, is hereby amended and reenacted to read as follows:

"AN ACT"

To establish the Alabama Commission on Higher Education for the general purpose of promoting an educational system that will provide the highest possible quality of collegiate and university education to all persons in the State able and willing to profit from it; to establish the Commission as the statewide long-range planning agency for postsecondary education; to provide through the Commission for continuous study, analyses, evaluation, planning, reporting and recommendations, as a basis for long-range planning with established priorities on a statewide basis to assure a sound, vigorous, progressive and coordinated system of higher education for the State; to provide the Commission with the authority of approval for new

units or programs of instruction for academic credit, for advisory coordination of research and public service, the authority to regulate off-campus offerings for academic credit, the authority to regulate units or programs of instruction by non-Alabama institutions, to designate the Commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state agency for which the Commission qualifies and those functions under the Southern Regional Education Compact heretofore assigned to the State Board of Education.

Be It Enacted by the Legislature of Alabama:

#### Section 1. Definitions.

The following terms shall have the meanings respectively prescribed for them, except when the context otherwise requires:

(A) Public Institutions of Higher Education shall mean those public educational institutions in Alabama which have been authorized by the Legislature or by the Constitution to provide formal education, including vocational, technical, collegiate, professional, or any other form of education, above the secondary school level.

(b) Commission: The Alabama Commission on Higher Education created by this ACT.

(c) Instructional Program: A series of courses at any one location which culminates in a degree, certificate, or other formal recognition of academic credit.

(d) Unit: A school, college, division or institute and includes the establishment of any new branch or campus. The term does not include reasonable extension or alterations of existing curricula or programs which have a direct relationship to existing programs previously approved by the Commission: the Commission may, under its rule-making authority, define the character of such reasonable extension and alterations.

(e) Off-campus Offering: Any credit course, instructional unit or instructional program conducted off the main campus of any postsecondary institution in existence and separately accredited by the Southern Association of Colleges and Schools, at the time of the passage of this Act, or of any new campus previously or hereafter approved by the Commission.

#### Section 2. Membership.

The Commission shall consist of twelve members. Ten of these members shall be appointed by the Governor, one shall be appointed by the Lt. Governor, and one shall be appointed by the Speaker of the House of Representatives by and with the advice and consent of the Senate. One person shall be appointed from each United States Congressional District in Alabama and shall reside or maintain an office or place of business within the Congressional District from which he is appointed, and the remaining members shall be appointed from the State at large with no more than two in number of the total twelve members being from the same Congressional District.

The twelve members shall be citizens of the State and shall be selected, as far as may be practicable, on the basis of their interest in higher education. Appointees shall be selected without regard to political affiliation and appointments shall be of a nature as to aid the work of the Commission and to



inspire the highest degree of co-operation and confidence. No member of the Commission shall be on the governing boards, be employed by or directly connected with any institution of higher education in the State; the State Department of Education, or any County or other local Board of Education. No member of the Commission shall serve past June 30th following his 70th birthday. All members of the Commission shall be deemed members at large charged with the responsibility of serving the best interest of the entire system of higher education in the State. No member shall act as the representative of any particular region or of any particular institution of higher education. New appointments to the Commission shall be made so that the total membership of the Commission is broadly representative of the total population of the State of Alabama.

The Commission shall serve in an advisory capacity to the Legislature and the Governor of this State in respect to all matters pertaining to state funds for the operation and the allocation of funds for capital improvements of state supported institutions of higher education. The initial membership of the Commission and the term of each initial member is as follows:

### Section 3. Tenure—Vacancies.

(A) Members of the Commission shall be selected for nine year terms expiring on August 31 of the respective year. The current nine members are subject to reconfirmation by the Senate and shall continue to the expiration of their respective terms subsequent to such reconfirmation, but shall continue to serve as appointed until such reconfirmation. In the event that the Senate shall fail to reconfirm a current member, the Governor shall with the advice and consent of the Senate appoint a replacement for the unexpired term. Of the three new appointees, one shall be appointed by the Governor for a term of three years, one shall be appointed by the Lt. Governor for a term of six years, and one by the Speaker of the House of Representatives for a term of nine years.

(3) The members of the Commission shall continue to serve after the expiration of their terms until their successors have been appointed. In the event that the number of Congressional Districts shall change, incumbents on the Commission shall complete their terms as members of the Commission. If the number of Congressional Districts shall change, the membership will remain at twelve with the number of at-large memberships being adjusted, if necessary, so that each Congressional District is represented. If the Senate is not in session or is in recess when the term of a member expires, the initial appointing authority shall make a temporary appointment of a succeeding member who shall serve subject to subsequent Senate approval of the appointment.

(C) Vacancies and new appointments on the Commission shall be filled by appointment of the ex officio officer responsible for the initial appointment. If the Senate is not in session or is in recess when the appointment is made, the appointee shall serve subject to subsequent approval of the appointment.

(D) Any person who serves for five or more years as a member of the Commission shall not be eligible for reappointment to succeed himself or herself until the next vacancy occurs after his or her successor is named.

### Section 4. Organization and Meetings.

The first meeting of the Commission shall be called by the Governor who shall preside until a chairman is selected. The Commission shall elect annually from its own members a chairman and such other officers as it may deem desirable and shall adopt rules for its organization in the conduct of its business.

The Commission shall hold regular meetings at such times as are specified in its rules. Special or additional meetings may be held on call of the Chairman, or upon a call signed by at least six members, or upon call of the Governor. The Commission is encouraged to meet as often as seems desirable on the campuses of institutions of higher education in the State. The Commission shall meet at least once every three months. A majority of the members of the Commission shall constitute a quorum at all its meetings but the approval of a new unit or program of instruction or a new public institution of higher education, or the recommendation for a new unit of research or public service as provided in Section 8, shall require the concurrence of a majority of all the members of the Commission. An agenda for the meetings in sufficient detail to indicate the terms on which final action is contemplated shall be mailed to the chairman of each governing board and to the chief administrative officer of each public institution of higher education at least two weeks prior to the meeting. Any public institution of postsecondary education or the State Board of Education may place an item for discussion on the agenda of the next Commission meeting by informing the executive officer of the Commission, in writing, of such request at least three weeks prior to the meeting.

Members of the Commission shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties.

The Commission is authorized to appoint a highly qualified person as its Executive Officer who shall, with the consent and approval of the Commission, select and supervise the Commission's staff and perform such other duties as may be delegated to him by the Commission, within the amounts made available for the Commission's operation. The appointment of the Executive Officer shall be subject to confirmation by the Senate each four years beginning with the Regular Session of 1981. Failure of the Senate to confirm the Executive Officer shall result in his or her dismissal within ninety (90) days thereafter.

The Executive Officer shall, with the consent and approval of the Commission, employ such professional and clerical staff and other assistants, including specialists and consultants, upon a full or part-time basis as are necessary to assist the Commission and the Executive Officer in performing the duties assigned by this Act. The number of employees, their compensation, the other expenditures of the Commission shall be within the limits and in compliance with the appropriation made therefor by the Legislature and within budgets that shall be approved from time to time by the Commission.

All full-time employees of the Commission shall be eligible to participate in the state teacher's retirement system.

#### Section 5. Study, Analysis and Evaluation.

The Commission, in consultation with the agencies and institutions concerned with higher education in this State, shall analyze and evaluate on a continuing basis the present and future needs for instruction, research, and public service in postsecondary education in the state, including facilities, and assess the present and future capabilities. The use of advisory groups and

consultants, as deemed desirable, may be used to meet these needs in order to provide the highest possible quality of collegiate and university education to all persons in the State able and willing to participate. One such advisory committee shall be the Council of Presidents, consisting of the President of each public four-year institution of higher education, the State Superintendent of Education and the presidents of three public two-year institutions of higher education, to be selected by the Superintendent of Education.

Section 6. Planning.

The Commission shall be responsible for statewide longrange planning for postsecondary education in Alabama. Such planning shall be the result of continuous study, analysis and evaluation. Plans will include the establishment of statewide objectives and priorities with methods and guidelines for achieving them.

Section 7. State University and College Information System.

The Commission, after affording a full opportunity to the public institutions of higher education to be heard, shall design and establish a State University and College Information System to provide comprehensive, meaningful, and timely information pertinent to the formulation of decisions and recommendations by the Commission. The information submitted by the public institutions of higher education shall be in comparable terms and the reports developed through the system shall conform to the procedures established by the Commission. The Commission shall be the state coordinating agency for all data collection requirements of the federal government which require state level coordination and relate to postsecondary education. The Commission will make every effort to minimize the reporting burden on the institutions by using the existing reports of the federal government. The Commission shall establish an advisory committee comprised of, but not limited to, representatives of the public institutions of higher education and the State Board of Education to assure that the expertise and concerns of the institutions relative to this section, both individually and collectively, shall be provided to the Commission.

Section 8. Coordination of Units or Programs of Instruction, Research or Public Service.

The Commission on Higher Education is authorized to review periodically all new and existing programs and units of instruction, research, and public service funded by state appropriations at the State Universities and Colleges and to share with the appropriate governing board, through the president of the institution, and state legislature, its recommendations.

The Commission shall seek through the use of advisory committees to study needless duplication of education, research or service programs and programs which are not adequately provided in the state, and shall make findings and recommendations to the institutions, the Governor and the Legislature that would strengthen the total program of higher education in the state.

The governing boards of public institutions of higher education in this State and the campuses under their governance or supervision shall not hereafter undertake the establishment of any new unit or program of instruction for academic credit with state funds before submitting plans for the new unit or program to the Commission for its review, evaluation, and approval. No state funds shall be expended by any public institution on any new unit or

program of instruction which has not been approved by the Commission. Any such plan submitted to the Commission, or its staff, however, and not receiving final action by the Commission within ten (10) months of submission shall be considered approved. The term "new unit of instruction", includes the establishment of a college, school, division or institute, and includes the establishment of any new branch or campus. The term does not include reasonable extensions or alterations of existing curricula, or programs which have a direct relationship to existing programs; and the Commission may, under its rule-making power, define the character of such reasonable extensions and alterations.

The Commission shall have the authority to authorize and regulate off-campus offerings, new or existing. An exception to this off-campus authority is provided for the branch campuses of universities or branch campuses of junior colleges in existence at the time of passage of this act whose Fall 1978 registrations exceeded 500 class enrollments and branch campuses of universities operating prior to 1960. For those branches which began operating since 1960, the Commission shall present its recommendation for the continuation or termination of each branch with full findings of fact to the Legislature before a public joint meeting of the education committees of the House and Senate no later than the fifth legislative day of the 1981 regular session of the Legislature. In making such recommendation, the Commission shall not use the ratio of full-time faculty to part-time faculty and/or a requirement to attend the main campus for degree completion as a part of its judgment of the quality of a program or branch campus. The education committee of each house shall report to its respective house with a concurrence or non-concurrence on each recommendation of the Commission. Debate on each recommendation shall be limited to one hour of continuous uninterrupted discussion for each recommendation and at the end of such time it shall be mandatory that the President of the Senate and the Speaker of the House shall in their respective houses call for a recorded vote. Such resolution by simple majority of both houses is required to affirm a Commission recommendation. No more than one branch shall be continued or terminated in one resolution.

Nothing in this or any section, however, shall be construed to prohibit any institution of higher education in this State from seeking and securing by separate Bill the approval of the Legislature for any new unit or program of instruction, research, or public service denied approval by the Commission, in which case the action of the Legislature, when approved by the Governor or otherwise upon becoming law, is final.

Colleges and universities conducting off-campus offerings on military reservations are exempt from the Commission's regulatory review and approval authority for those offerings on the military reservation.

#### Section 9. Budget Proposals and Recommendations.

The governing boards of the public institutions of higher education shall submit to the Commission through their appropriate administrative officers, not later than ninety (90) days prior to each legislative session, its budget proposals for the operation and capital needs of the institution under its governance or supervision.

The Commission shall receive, evaluate and coordinate budget requests for the public institutions of higher education of this State, shall hold open hearings on the budget requests of the separate institutions and shall present

to each institution and to the Governor and the Legislature, a single unified budget report containing budget recommendations for separate appropriations to each of the institutions. The consolidated budget and analysis of the Commission shall be accompanied by the original requests and their justifications as submitted by each institution. The recommendations of the Commission shall be derived directly from its assessment of the actual funding needs of each of the universities, as presented to it by the presidents, which assessment may include, but shall not be limited to, derived conclusions that may be based upon standard techniques of objective measurement, need and unit cost figures arrived at through the use of comparative and verified data secured from the various institutions, applied in an impartial and objective manner, and comparison shall be made not only between similar functions of institutions in Alabama but also between Alabama institutions and similar functions of institutions located in other states, provided that nothing herein shall be construed to prohibit any institutions of higher education in this State from submitting any matter pertaining to the financial operation and needs of said institution to the Legislature or to the Governor at any time.

Section 10. Powers and Duties of the Commission.

The Commission shall exercise the following powers and duties in addition to those otherwise specified in this Act:

(a) To cause to be made such surveys and evaluations of higher education as are believed necessary for the purpose of providing appropriate information to carry out its powers and duties.

(b) To recommend to the Legislature of Alabama the enactment of such legislation as it deems necessary or desirable to insure the highest quality of higher education in this State taking into consideration the orderly development and maintenance of the State system of public higher education to meet trends in population and the change in social and technical requirements of the economy.

(c) To advise and counsel the Governor, at his request, regarding any area of, or matter pertaining to, postsecondary education.

(d) To establish definitions of a junior college, a community college, a technical college or institute, a senior college, a university and university system; provided, that nothing herein shall be construed as authorizing the Commission to establish or create any university system, nor to alter any university system presently existing.

(e) To develop and publish criteria which may be used by the Legislature as a basis (i) for changing the classification of any public institution of higher education and (ii) for determining the need for new public junior colleges, public senior colleges, universities or university systems. Any proposed statute which would establish an additional institution of higher education may be submitted, either prior to introduction or by the standing committee considering same to the Commission for its opinion as to the need for the State therefore, and the Commission shall report its findings to the Governor and the Legislature.

(f) To cause studies to be made for the purpose of classifying and prescribing the role and scope for each public institution of higher education in Alabama and to recommend such changes in classification or role and scope for such institutions as it deems necessary and which may be agreed to by the governing board of the said institution.

In making studies and recommendations for the purpose of classifying and prescribing the role and scope of institutions, the Commission shall do so without regard for race and traditional role of the institution, provided, however, that in the absence of compelling reasons to the contrary the Commission shall give priority to institutions having seniority in years of operation in the service area. When making recommendations for the elimination of duplication of educationally unnecessary programs, absent justifiable reasons to the contrary, the Commission shall recommend the replacement of such programs and/or services with programs and/or services that will strengthen and enhance the role of the institution affected.

(g) To hear applications from the institutions for changes in classification or role and scope and to recommend to the Legislature for clarification such classifications in role or scope which may not be agreed to by the governing board of any institution.

(h) To make continuing studies, on its own initiative or upon the request of the Governor or the Legislature, of the financial needs of public higher education and issue such reports to the Governor and the Legislature as may result from its studies.

(i) To submit to the Governor and the Legislature on or before the first day in January of each year a written report covering the activities of the Commission and the state of higher education in Alabama. The report shall include:

(i) statements of the nature, progress or result of any studies undertaken or completed during the past fiscal year;

(ii) comments upon major developments, trends, new policies, budgets, and financial considerations which, in the judgment of the Commission will be useful in planning a sound program of higher education; and

(iii) recommendations respecting postsecondary education in this State as may be appropriate.

(j) To make rules and regulations for its meetings, procedures, and execution of the powers and duties delegated to it by this Act.

(k) To encourage the establishment and development of formal consortia for the advancement of higher education comprised of institutions of higher education in the State.

(l) To conduct a program of public information in order to inform citizens of the State of matters of importance to higher education in Alabama.

(m) To serve as the State agency for the administration of those Titles of the Higher Education Act of 1965 (Public Law 89-329) as amended for those programs requiring a single state agency for which the Commission qualifies, unless otherwise designated by Executive order.

(n) To authorize and regulate instructional programs or units offered by non-Alabama institutions of postsecondary education in the State of Alabama. No institution of postsecondary education located outside of Alabama may offer units or programs of instruction within Alabama without prior approval of the Commission. The Commission under its rule-making authority shall establish criteria for the approval of such institutions and programs.

(o) The powers and duties of the Commission shall apply equally to all postsecondary institutions regardless of any authority that may be, or has been, conferred upon them by the Constitution or by statutes.

Section 11. Southern Regional Education Compact.

The Commission is designated the agency responsible for those functions under the Southern Regional Compact for Education (Act 227, H. J. R. 42, 1949, Act 40 H. J. R. 21, 1955) and those functions in Sections 16-3-32 through 16-3-35, Code of Alabama, 1975 heretofore assigned to the State Board of Education with funds that may be appropriated to it by the Legislature for that purpose.

Section 12. Evaluating and Revising the Commission.

Two years after the establishment of the Commission and during the last year of each gubernatorial term, the Commission shall appoint a committee of at least three consultants who are not associated with higher education in this State to evaluate the effectiveness of the work of the Commission and to recommend changes as needed. A report prepared by the Committee shall be submitted to the Governor, the Legislature, the presidents and governing boards of the public institutions of higher education of this State and the public.

Section 13. Governing Boards of Public Institutions of Higher Education—Powers and Duties.

Governing boards of the public institutions of higher education of this State shall retain all powers and duties heretofore given and conferred upon them by the Constitution or by any law expressed or implied, to govern, control and operate the institutions for which they are responsible. The Commission shall work with and support the respective boards and except where otherwise authorized by this statute, shall act in a fact-finding and advisory capacity.

The State Board of Education and any successor board or boards which govern the state's public postsecondary institutions, including senior institutions, community colleges, junior colleges, and postsecondary technical institutes or colleges, shall stand in the same relationship to the Commission as do university boards of trustees. The State Superintendent of Education shall stand in the same relationship to the Commission as do the presidents of the universities.

Section 14. Acceptance of Gifts, etc.

The Commission is authorized to accept gifts, devises, grants, or bequests and expend the same to carry out the provisions of this Act or to promote the purposes for which it has been established.

Section 15. Severability.

The provisions of the Act are severable. If any section, paragraph, sentence, clause, provisions, or portion of this Act, be held unconstitutional or invalid, such holdings shall not affect any other section, paragraph, sentence, clause, provision or other portion of this Act not in or of itself unconstitutional or invalid.

Section 16. Repealer.

All laws or parts of laws which conflict with this act are hereby repealed.

## Section 17. Effective Date.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## REPORT OF COMMITTEE ON CONFERENCE ADOPTED

On motion of Rep. Pegues, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 494, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 79; Nays 9.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Stewart, Stout, Tammell, Tucker, Turner, Venable, Waggoner, Ward, Whatley, Williams, Wyatt and Zoghby.

—79

*Nays:*

Reps.: Blake, Bowling, Cobb, Cooley, Crow, Hines, Johnson (Roy), Smith (C) and Turnham.

—9

## And the bill:

H. 494. This bill amends Section 16-5-1 through 16-5-10, Code of Alabama, 1975, an act to establish the Alabama Commission on Higher Education, so as to change the name of the Commission, to expand the membership of the Commission, to establish the Commission as the statewide long-range planning agency for postsecondary education, to provide the Commission with the authority of approval for new units or programs of instruction for academic credit, for advisory coordination of research and public service, the authority to regulate off-campus offerings for academic credit, the authority to regulate units or programs of instruction by non-Alabama institutions, to designate the Commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state agency and those functions under the Southern Regional Education Compact heretofore assigned to the State Board of Education.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 81; Nays 9.

*Yeas:*

Reps.: Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards,



Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McKee, McMillan Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams Wyatt and Zoghby.

—81

*Nays:*

Reps.: Blake, Bowling, Cooley, Crow, Hines, Johnson (Roy), Kelley, Tucker and Warren.

—9

S. 164 RESUMED

And the bill:

S. 164. To amend Section 33-5-10 of the Code of Alabama 1975, relating to certificates of boat registration, so as to require certain officials in the state to issue annual certificates of registration for boats.

Which previously was temporarily postponed, was read a third time at length and passed.

Yeas 64; Nays 9.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Hilliard, Hines, Horn, Jackson, Johnson (R. G.), Kelley, Letson, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams and Wyatt.

—64

*Nays:*

Reps.: Adams (C), Gilmer, Harrison, Holmes, Lewis, Payne, Reed, Sasser and Stout.

—9

MESSAGE FROM THE SENATE

Mr. Speaker;

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 157. To amend Sections 34-27-4, 34-27-31 and 34-27-35 of the Code of Alabama 1975, as amended, Regular Session, 1978, Acts No. 654, pertaining to qualifications for real estate broker and real estate salesmen licensees,

so as to establish a "Real Estate Recovery Fund"; to provide procedural rights for aggrieved parties in certain real estate transactions and to provide for the termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

McDOWELL LEE,  
Secretary.

### SENATE MESSAGE

On motion of Rep. Biddle, the House concurred in and adopted the Senate amendment to the bill, H. 157, said Senate amendment being as follows:

On page 9, Section 1, line 30 delete the period and insert in lieu thereof a semi-colon and add the following: nor shall any provision hereof be construed to prohibit any person from exercising the option of purchasing a bond in the open market payable to the State of Alabama in the amount of \$25,000. Said bond shall provide coverage equivalent to the coverage provided by the real estate recovery fund.

On page 17, in line 17, after the period add the following: The provisions of this subsection notwithstanding, no person who has purchased a bond in the open market, payable to the State of Alabama, shall be required to pay into the real estate recovery fund. Upon proof such bond provides coverage equivalent to the coverage provided by the real estate recovery fund, and in an amount not less than \$25,000, the commission shall waive any fee for deposit in the real estate recovery fund.

Amend House Bill No 157, Page 6, Line 8, by striking out after the word, "age," "provided however the commission may waive the prohibition that a non citizen of the U.S. cannot be licensed as a salesman or broker."

Amend House Bill No. 157, Page 9, Line 31, by striking out the word "not" after the word "shall".

Amend House Bill No. 157, Page 9, Line 32, by inserting the word "licensed" after the word "a".

Amend House Bill No. 157, Page 13, Line 27, by striking out the words "credited to the" after the word "and" and substituting in lieu thereof the following:

"disbursed as follows: fifty percent to the general fund and fifty percent to the credit of the"

Yeas 68: Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Cates, Cheatwood, Cobb, Cooley, Crow, Daniels, Dixon, Drinkard, Ford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Holmes, Horn, Johnson (R. G.), Kelley, Langford, Letson, McKee, Manley, Mitchell, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

And the bill, H. 157 as thus amended, was again read at length and passed.

Yeas 70; Nays 0.

*Yeas:*

Reps.: Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Cates, Clark, Cobb, Cooley, Crow, Daniels, Dixon, Drinkard, Ford, Gilmer, Grmisley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Langford, Letson, McKee, Manley, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Williams, Wyatt and Zoghby.

—70

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate had amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 943. Relating to Madison County; to provide for the payment of increases in the salaries of deputies sheriff in said county; to prescribe a minimum pay scale for such deputies and to earmark a certain portion of the alcoholic beverage tax revenues accruing to said county under the provisions of Sections 40-28-1 through 40-28-3 of the Code of Alabama 1975 for the payment of such salary increases.

McDOWELL LEE,  
Secretary.

### SENATE MESSAGE

On motion of Rep. Albright, the House non-concurred in the Senate amendment to the bill, H. 943, and requested a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 943, said Senate amendment being as follows:

### A BILL TO BE ENTITLED AN ACT

Relating to Madison County; to provide for the payment of increases in the salaries of county employees in said county; and to earmark a certain portion of the alcoholic beverage tax revenues accruing to said county under the provisions of Sections 40-28-1 through 40-28-3 of the Code of Alabama 1975 for the payment of such salary increases.

Be It Enacted by the Legislature of Alabama:

Section 1. That portion of the alcoholic beverage tax revenues accruing to Madison County under the provisions of Sections 40-28-1 through 40-28-3 of the Code of Alabama 1975 which is in excess of the amount of alcoholic beverage tax revenues received by said county prior to the enactment of said sections is hereby earmarked and shall be expended by the

county commission for the payment of increases in the salaries of the county employees of said county. Such salaries shall be increased by the county upon receipt of the first installment of the funds provided under Section 40-28-1 through 40-28-3, Code of Alabama 1975 for one year after the effective date of this act.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 51; Nays 0.

*Yeas:*

Reps.: Adams (C), Albright, Bedsole, Blake, Brakefield, Cabaniss, Carothers, Cheatwood, Cobb, Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Ford, Gilmer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Hilliard, Holmes, Horn, Johnson (R. G.), Kelley, Langford, Letson, Owens, Penry, Reed, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Tucker, Turnham, Waggoner, Ward, Whatley, Williams, Wyatt and Zoghby.

—51

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Reps. Albright, Smith (J) and Smith (M).

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Smith, McDonald, and Lemaster:

S. J. R. 151. COMMENDING THE STUDENTS OF GRISSOM HIGH SCHOOL, HUNTSVILLE, ALABAMA, ON THE ESTABLISHMENT OF AN ANNUAL "HONOR AMERICA DAY".

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Riddick, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 115, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Miller:

S. J. R. 153. EXPRESSING APPRECIATION TO THE MOBILE HOUSE AND SENATE DELEGATION AND TO THE ALABAMA SHERIFFS ASSOCIATION.

WHEREAS, "seafood" is now pronounced "Bayley's" by the Alabama Legislature and staff, following a sumptuous seafood cookout, catered by the incomparable Bayley's of Mobile, Alabama, on July 18, 1979; and

WHEREAS, grateful guests enjoyed a bountiful feast, varied as to selection by consistently delicious and totally in keeping with Bayley's reputation throughout the entire State of Alabama and the Southeast as well; and

WHEREAS, the delicious meal was surpassed only by the generosity of those who so thoughtfully hosted an occasion which will be long remembered by all those in attendance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most gratefully express our deep appreciation both for the seafood dinner and for the thoughtfulness of the Mobile House and Senate Delegation and all members of the Alabama Sheriffs Association.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to the Mobile Delegation, to Sheriff Tom Purvis as president of the Alabama Sheriffs Association, with a copy also provided for Bayley's of Mobile in token of appreciation and praise for their part in the inimitable success of the Seafood Capitol Cookout.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Harrison, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 153, set out in the above and foregoing Message from the Senate.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Dixon, the rules were suspended in order to take up out of order the bill, S. 582.

And the bill:

S. 582. To establish a program authorizing subsidies to make possible for children in special circumstances such as with medical needs, disabilities or in long term foster care to be adopted.

Was read a third time at length and passed.

Yeas 85; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy (Y), Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smigh (M), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—85

#### MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Seibels offered the motion to reconsider the vote by which the bill, S. 164, was passed, and the motion was adopted.

#### REQUEST TO SENATE FOR RETURN OF BILL

Rep. Seibels offered the motion that the Senate be requested to return to the House the bill, S. 164, for further consideration by the House, and the motion was adopted.

The Clerk was directed to request the return of the bill, S. 164, from the Senate for further consideration by the House.

And the bill:

S. 45. (With Amendment): To amend Sections 2-15-40, 2-15-60 and 2-15-130, Code of Alabama 1975 so as to further define the term "livestock."

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Agriculture and Forestry, said committee amendment being as follows:

Amend S. B. 45 by deleting the word poultry in all sections.

And the amendment was adopted.

Yeas 62; Nays 0.

*Yeas:*

Reps.: Adams (C), Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Cates, Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Hines, Holmes, Horn, Johnson (R. G.), Kelley, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Stewart, Turnham, Venable, Waggoner, Warren, Whatley, Williams, Wyatt and Zoghby.

—62

And the bill, S. 45, as thus amended, was read a third time at length and passed.

Yeas 65; Nays 0.

*Yeas:*

Reps.: Adams (C), Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Cobb, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Turnham, Venable, Waggoner, Warren, Whatley, Williams, Wyatt and Zoghby.

—65

And the bill:

S. 288. To amend Section 41-15-10, Code of Alabama 1975, so as to authorize the finance director to invest state insurance funds in the same types of securities as the employees' retirement system may invest said system's funds.

Was read a third time at length and passed.

Yeas 69; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cheatwood, Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Ford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holmes, Horn, Jackson, Johnson (R. G.), Kelley, Kennedy (C), Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Turner, Venable, Waggoner, Warren, Whatley, Williams, Wyatt and Zoghby.

—69

And the bill:

S. 221. To authorize the Pesticide Residue Laboratory heretofore established by the Department of Agriculture and Industries at Auburn University under authority of Title 2, §§2-27-30, 2-27-31 and 2-27-32 of the Code of Alabama of 1975 to conduct analytical work for harmful drug residues as may be found in raw or processed agricultural and other food products, fish, game and other wildlife for the protection of the public health, aid in developing and expanding markets for agricultural products and for the protection of fish and wildlife.

Was read a third time at length and passed.

Yeas 67; Nays 0.

*Yeas:*

Reps.: Adams (C), Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby,

Hammett, Harper (O), Harper (T), Harvey, Hilliard, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Turner, Turnham, Venable, Ward, Whatley, Williams, Wyatt and Zoghby.

—67

## MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Sasser to suspend the rules in order to take up out of order the bill, S. 187, was lost, lacking a four-fifths vote.

Yeas 37; Nays 19.

*Yeas:*

Reps.: Biddle, Cabaniss, Carothers, Cates, Cheatwood, Cosby, Daniels, Dixon, Edwards, Gafford, Grimsley, Grouby, Hammett, Hilliard, Horn, Howard, Kelley, Letson, McKee, Minus, Moore, Olive, Owens, Parker, Patton, Pegues, Ray, Reed, Sasser, Smith (C), Turnham, Venable, Warren, Whatley, Williams, Wyatt and Zoghby.

—37

*Nays:*

Reps.: Adams (H), Albright, Bedsole, Blake, Brakefield, Cobb, Cooley, Crow, Harper (T), Hines, Holmes, Laird, McMillan, Naramore, Payne, Penry, Riddick, Trammell and Ward,

—19

And the bill:

S. 41. Relating to cotton gins and the regulations thereof. To amend Section 2-19-61 of Title 2 of the Code of Alabama 1975 relating to the annual permit fee required for the operation of a cotton gin and prescribing the amount of such permit fee.

Was taken up.

## AMENDMENT OFFERED

Rep. Letson offered the following amendment to the bill, S. 41:

Amend Senate Bill 41, page 1, Section 1, line 28 after the figures \$5.00 by striking \$25.00 and inserting \$20.00

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 55; Nays 0.

*Yeas:*

Reps.: Albright, Barton, Bedsole, Bennett, Biddle, Brakefield, Cabaniss, Cheatwood, Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Gafford, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Johnson (R. G.), Kelley, Laird, Langford, McKee, Manley, Moore, Naramore, Olive, Owens,



Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—55

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 758. To ratify the action of cities or towns in awarding and proceeding under contracts for improvements, the cost of which is to be assessed against the property drained, served or benefited by such improvements, when bids for the construction of such improvements were received and contracts were awarded and executed before the holding of the protest meeting required by Section 11-48-8 of the CODE OF ALABAMA 1975, and to state the limitations on such ratification.

McDOWELL LEE,  
Secretary.

S. 41 RESUMED

And the bill, S. 41, as thus amended, was read a third time at length and passed.

Yeas 62; Nays 0.

*Yeas:*

Reps.: Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Carothers, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Ford, Gilmer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Reed, Sasser, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turnham, Venable, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—62

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 148. To amend Code of Alabama 1975, Sections 40-20-2 and 40-20-8, so as to increase the rate of tax; to provide further for distribution of the proceeds of the tax; and to provide certain exemptions from the increased rate.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Hines, the House concurred in and adopted the Senate amendment to the bill, H. 148, said Senate amendment being as follows:

Amend H. B. 148 as follows:

In Section 3, page 5, line 21, insert the following language in lieu thereof and renumber the subsequent sections:

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Yeas 56; Nays 0.

*Yeas:*

Reps.: Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carothers, Clark, Cobb, Cooley, Cosby, Daniels, Gafford, Gilmer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Hilliard, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Laird, Langford, McKee, McMillan, Minus, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Ray, Roberts, Sasser, Shoemaker, Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—56

And the bill, H. 148 as thus amended, was again read at length and passed.

Yeas 54; Nays 0.

*Yeas:*

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carothers, Clark, Cobb, Cosby, Daniels, Gafford, Gilmer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Holmes, Horn, Howard, Johnson (R. G.), Kelley, Laird, Langford, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Penry, Ray, Riddick, Roberts, Sasser, Shoemaker, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—54

And the bill:

S. 166. To authorize the State Forestry Commission to prepay employees certain necessary travel expenses while they are on official State business outside the State of Alabama.

Was read a third time at length and passed.

Yeas 67; Nays 1.

*Yeas:*

Reps.: Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Cobb, Cooley, Cosby, Daniels, Dixon, Edwards, Ford, Gafford, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holmes, Horn, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Penry, Ray, Riddick, Roaberts, Sandusky, Sasser, Seibels, Smith (C), Smith (M), Stewart, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—67

*Nay:* Rep. Brakefield.

—1

S. 57 TEMPORARILY POSTPONED

On motion of Rep. Waggoner, the bill, S. 57, was temporarily postponed.

And the bill:

S. 58. To confer on any municipality in the state (a) the power to aid, by donation, loan and transfer of property, any public corporation (i) all the directors of which are provided by law to be elected by the governing body of that municipality, or (ii) not less than one-half of the directors of which are provided by law to be elected by the governing body of that municipality and the remaining directors of which are provided by law to be appointed by the Governor (b) the power to pay, or provide for the payment of, bonds or other securities issued by such a public corporation; and (c) the power to issue securities of such municipality, including securities that are general obligations and securities payable from a limited source, to provide funds for any such donation, loan, transfer, payment, or provision for payment; and to set forth requirements and other provisions with respect to any securities issued by a municipality for such purpose or purposes, including limitations as to the final maturity thereof and provisions as to the sources of the payment thereof, the pledges that may be made therefor, use of the proceeds therefrom, and related matters.

Was read a third time at length and passed.

Yeas 72; Nays 0.

*Yeas:*

Reps.: Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cheatwood, Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Hilliard, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy (C), Laird, Langford, Letson, McKee, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—72

And the bill:

S. 437. To amend Section 25-2-12, Code of Alabama, 1975, as last amended, which relates to the Board of Appeals for the State of Alabama, Department of Industrial Relations.

Was read a third time at length and passed.

Yeas 66; Nays 1.

*Yeas:*

Reps.: Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grouby, Hall, Hammett, Harper (O), Harper (T), Hilliard, Hines, Holmes, Horn, Jackson, Kennedy (C), Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Roberts, Seibels, Smith (C), Smith (M), Stewart, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—66

*Nay:* Rep. Howard.

—1

And the bill:

S. 120. To further regulate night hunting and taking of raccoons or opossums so as to permit the use of dogs, a light and a 22-caliber rimfire rifle using short rifle ammunition or a shotgun using No. 6 shot or greater.

Was read a third time at length and passed.

Yeas 53: Nays 2.

*Yeas:*

Reps.: Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Ford, Gafford, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Hilliard, Holmes, Horn, Kelley, Langford, Lewis, McKee, McMillan Minus, Mitchell, Moore, Olive, Owens, Parker, Payne, Pegues, Penry, Sasser, Smith (C), Stewart, Trammell, Tucker, Turner, Venable, Warren, Whatley, Williams and Wyatt.

—53

*Nays:* Reps.: Rains and Stout.

—2

And the bill:

S. 187. To amend Section 36-7-21, Code of Alabama 1975, which provides for authorization of out-of-state travel, so as to provide further for said authorization.

Was read a third time at length and passed.

Yeas 64; Nays 4.

*Yeas:*

Reps.: Albright, Barton, Bedsole, Bennett, Biddle, Blake, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Holmes, Horn, Kelley, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Ray, Reed, Riddick, Sasser, Shavers, Shoemaker, Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams and Zoghby.

—64

*Nays:* Reps.: Payne, Rains, Smith (C) and Wyatt.

—4

And the bill:

S. 557. To provide for the crime of sexual abuse in the first degree; and to provide penalties.

Was taken up.

#### AMENDMENT OFFERED

Rep. Smith (J) offered the following amendment to the bill, S. 557:

Amend Senate Bill 557 by striking Section 3 of the bill in its entirety and renumbering the subsequent sections accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 1.

*Yeas:*

Reps.: Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Buskey, Carothers, Cates, Cheatwood, Cobb, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Horn, Kelley, Laird, Langford, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Sasser, Shoemaker, Smith (C), Smith (M), Trammell, Turner, Turnham, Venable, Warren, Whatley, Williams, Wyatt and Zoghby.

—60

*Nay:* Rep. Tucker.

—1

And the bill, S. 557, as thus amended, was read a third time at length and passed.

Yeas 69; Nays 0.

*Yeas:*

Reps.: Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Buskey, Carothers, Cates, Cheatwood, Cobb, Cosby, Crow, Dixon, Drinkard, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hilliard, Hines, Horn, Johnson (R. G.), Kelley, Kennedy (C), Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—69

And the bill:

S. 197. To require all of the right, title and interest of the State of Alabama in and to the real property acquired by and in the name of the State of Alabama for the use and benefit of the state educational institution formerly known as Jacksonville State College at Jacksonville, Alabama, is hereby conveyed to and vested in Jacksonville State University, the body corporate created by Act No. 239, Regular Session 1967, approved August 16, 1967.

Was taken up.

S. 197 INDEFINITELY POSTPONED

On motion of Rep. Campbell, the bill, S. 197, was indefinitely postponed.

Yeas 60; Nays 0.

*Yeas:*

Reps.: Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Campbell, Carothers, Cates, Cobb, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Gafford, Gilmer, Grimsley, Grouby,

Harper (O), Harper (T), Holmes, Horn, Kelley, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Sasser, Shavers, Smith (C), Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Wyatt and Zoghyby.

—60

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 151. To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of such judge; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 20; to repeal all laws or parts of laws in conflict herewith; to amend Section 12-17-20 of the 1975 Code of Alabama; to eliminate one district judgeship in the Birmingham District of Jefferson County; and to provide the effective date of this Act.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

Rep. Waggoner offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 151, said Senate amendment being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of such judge; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 20; to repeal all laws or parts of laws in conflict herewith; to amend Section 12-17-20 of the 1975 Code of Alabama; to eliminate one district judgeship in the Birmingham District of Jefferson County; and to provide the effective date of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the office of Circuit Judgeship No. 20 of the Tenth Judicial Circuit of Alabama, which shall be in addition to the judgeships of said Circuit now existing. The first judge of said additional Circuit Judgeship No. 20 shall be appointed in the manner provided by Amendment 33 and 110 to the Constitution of Alabama and shall hold office until his successor has been elected and qualified as provided by law. The judge of said Circuit Judgeship No. 20 shall be elected for the same term of office as other circuit judges are elected in the State as provided by Section 6.14 and Amendment 328.

Section 2. The Judge of said Circuit Judgeship No. 20 shall have and exercise all of the jurisdiction, powers, rights, and authority and possess all the qualifications, perform all the duties, and be subject to the pains, obligations, and penalties that other circuit judges may exercise, perform, or be subject to, and shall sit in that Division of said circuit in which the circuit judges number 1 through 4, 6 through 11, and 13 through 18, sit and perform the same duties in said Division as performed by said circuit judges numbered 1 through 4, 6 through 11, and 13 through 18.

Section 3. The additional circuit judge provided for in this Act shall receive the same salary, and supplements payable in the same manner, as other Circuit Court Judges in the Tenth Judicial Circuit.

Section 4. Section 12-17-20 of the 1975 Code of Alabama is amended to read as follows:

"§ 12-17-20. (a) Except as otherwise provided in this section, each judicial circuit of the state shall have one resident circuit judge.

"(b) In the following judicial circuits, there shall be the number of resident circuit judges listed below:

"(1) There shall be two circuit judges in the first judicial circuit. The judge occupying judgeship No. 1. shall be the presiding judge.

"(2) There shall be two circuit judges in the fourth judicial circuit. One of said judges shall be known as the presiding judge and the other as the associate judge.

"(3) There shall be four circuit judges in the fifth judicial circuit. No two judges shall reside in the same county in said circuit.

"(4) There shall be five circuit judges in the sixth judicial circuit.

"(5) There shall be four circuit judges in the seventh judicial circuit.

"(6) There shall be three circuit judges in the eighth judicial circuit.

"(7) There shall be two circuit judges in the ninth judicial circuit.

"(8) There shall be 19 20 circuit judges in the tenth judicial circuit. The judges numbered 5, 12, and 19 shall sit in the Bessemer division of said circuit. The other judges shall sit in the Birmingham division of said circuit.

"(9) There shall be two circuit judges in the eleventh judicial circuit.

"(10) There shall be two circuit judges in the twelfth judicial circuit.

"(11) There shall be nine circuit judges in the thirteenth judicial circuit.

"(12) There shall be three circuit judges in the fourteenth judicial circuit.

"(13) There shall be six circuit judges in the fifteenth judicial circuit. At least two judges shall be assigned to the criminal division of said circuit, and one or more judges shall be assigned to the civil division, in the discretion of the presiding judge.

"(14) There shall be four circuit judges in the sixteenth judicial circuit.

"(15) There shall be three circuit judges in the eighteenth judicial circuit.

"(16) There shall be two circuit judges in the nineteenth judicial circuit.

"(17) There shall be three circuit judges in the twentieth judicial circuit.

"(18) There shall be two circuit judges in the twenty-second judicial circuit.

"(19) There shall be six circuit judges in the twenty-third judicial circuit.

"(20) There shall be two circuit judges in the twenty-fifth judicial circuit.

"(21) There shall be two circuit judges in the twenty-sixth judicial circuit.

"(22) There shall be two circuit judges in the twenty-seventh judicial circuit.

"(23) There shall be two circuit judges in the twenty-eighth judicial circuit.

"(24) There shall be two circuit judges in the twenty-ninth judicial circuit.

"(25) There shall be two circuit judges in the thirtieth judicial circuit.

"(26) There shall be two circuit judges in the thirty-first judicial circuit.

"(27) There shall be two circuit judges in the thirty-second judicial circuit.

"(28) There shall be two circuit judges in the thirtieth-seventh judicial circuit.

"(29) There shall be two circuit judges in the thirty-eighth judicial circuit.

Section 5. There is hereby appropriated to the Unified Judicial System from the General Fund, the sum of \$29,000 for the fiscal year 1978-79 and the sum of \$64,500 for the fiscal year beginning October 1, 1979.

Section 6. Upon the appointment of the judge to fill Circuit Judgeship No. 20 as provided in Section 1 of this Act, the number of district judges in the Birmingham division of Jefferson County shall be reduced from nine (9) to eight (8). The elimination of one district judgeship from the Birmingham division of Jefferson County shall become effective only upon the death or resignation of a district judge in the Birmingham division of Jefferson County. The elimination provided above shall not become effective due to the end of the term of any District Judge in the Birmingham Division, but only will occur on the death or resignation of a District Judge in the Birmingham division of Jefferson County.

Section 7. All laws, and parts of laws, whether general, special or local, in conflict with the provisions of this Act, are hereby repealed.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.



SUBSTITUTE MOTION TABLED

On motion of Rep. Waggoner, the substitute motion offered by Rep. Tucker that the House non-concur in the Senate amendment to the bill, H. 151, and request a Committee on Conference, was tabled.

Yeas 10; Nays 6.

*Yeas:*

Reps.: Bennett, Biddle, Cabaniss, Gafford, Moore, Olive, Payne, Seibels, Trammell and Waggoner.

—10

*Nays:*

Reps.: Harrison, Hilliard, Horn, Howard, Jackson and Tucker.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 482. To provide for secret Grand Jury proceedings and that secrecy inviolate; and further, to provide for the form and content of Grand Jury Reports, and to set criminal penalties for the unauthorized solicitation of, release and/or disclosure of evidence, testimony and other matters, pertaining to Grand Jury proceedings; provides for an oath of secrecy to be given Grand Jury witnesses, and further proscribes criminal penalties for the obstruction of Grand Jurors, Grand Jury witnesses and their testimony.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 494. This bill amends Section 16-5-1 through 16-5-10, Code of Alabama, 1975, an act to establish the Alabama Commission on Higher Education, so as to change the name of the Commission, to expand the membership of the Commission, to establish the Commission as the statewide long-range planning agency for postsecondary education, to provide the Commission with the authority of approval for new units or programs of instruction for academic credit, for advisory coordination of research and public service, the authority to regulate off-campus offerings for academic credit, the

authority to regulate units or programs of instruction by non-Alabama institutions, to designate the Commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state agency and those functions under the Southern Regional Education Compact heretofore assigned to the State Board of Education.

And said Bill, H. B. 494, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

#### H. 151 RESUMED

The question was then on the motion offered by Rep. Waggoner, that the House concur in and adopt the Senate amendment to the bill, H. 151.

#### MOTION TO TABLE LOST

The motion offered by Rep. Tucker to table the motion to concur offered by Rep. Waggoner, was lost.

Yeas 5; Nays 11.

*Yeas:* Reps.: Hilliard, Horn, Howard, Jackson and Tucker. —5

*Nays:*

Reps.: Bennett, Biddle, Cabaniss, Cobb, Gafford, Moore, Olive, Payne, Seibels, Trammell and Waggoner.

—11

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the motion offered by Rep. Waggoner that the House concur in and adopt the Senate amendment to the bill, H. 151.

#### H. 151 TEMPORARILY POSTPONED

On motion of Rep. Harrison, further consideration of the bill, H. 151 with pending Senate amendment, was temporarily postponed.

And the bill:

S. 461. To provide that it shall be a nuisance and unlawful for anyone to wilfully throw or cast artificial lights or rays of artificial light from any motor vehicle in any field, or other real property where a residence or out building, other structure or livestock exists with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and to provide for penalties.

Was read a third time at length and passed.

Yeas 58; Nays 0.

*Yeas:*

Reps.: Adams (H), Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Cates, Cheatwood, Cosby, Crow, Daniels, Drinkard, Edwards, Gafford, Gilmer, Hammett, Harper (O), Harper (T), Hines, Holley, Holmes, Kelley, Kennedy (C), Laird, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Reed, Riddick, Sasser, Seibels, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Wyatt and Zoghby.

—58

And the bill:

S. 501. To amend Section 38-2-12, Code of Alabama 1975, relating to the authority of the Commissioner of the State Department of Pensions and Security to destroy certain obsolete records, so as to reduce the retention requirement on certain case record material from ten to five years.

Was read a third time at length and passed.

Yeas 61; Nays 0.

*Yeas:*

Reps.: Albright, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Cates, Cheatwood, Cobb, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Gafford, Gilmer, Grouby, Hall, Hammett, Harper (O), Harper (T), Holmes, Johnson (R. G.), Kelley, Laird, Langford, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Reed, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Warren, Whatley, Williams, Wyatt, Zoghby.

—61

And the bill:

S. 123. To amend Section 36-25-1 of the Code of Alabama 1975, so as to exclude state soil and water conservation district supervisors from the provisions of the State Ethics Law.

Was read a third time at length and passed.

Yeas 59; Nays 1.

*Yeas:*

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Cates, Cheatwood, Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Kelley, Laird, Langford, McMillan, Manley, Minus, Moore, Naramore, Owens, Patton, Pegues, Penry, Ray, Reed, Sasser, Seibels, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Wyatt and Zoghby.

—59

*Nay:* Rep. Payne.

—1

And the bill:

S. 359. Requiring insurers to furnish to certain fire officials certain information relating to their investigations of certain types of property fire losses; to prescribe evidentiary rules relating to the use of such information and to prescribe penalty for violation.

Was read a third time at length and passed.

Yeas 60; Nays 1.

*Yeas:*

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Cabaniss, Cheatwood, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Gilmer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Hilliard, Holley, Holmes, Horn, Kelley, Kennedy (C), Laird, Langford, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Reed, Sasser, Seibels, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—60

*Nay:* Rep. Adams (H).

—1

And the bill:

S. 157. To create a fund known as the "Cost of Evidence Fund" in the amount of fifty thousand dollars to be used by the Alabama Alcoholic Beverage Control Board, for the procurement of evidence to aid in the criminal enforcement of the drug and narcotic laws of this State. Monies to be expended for this fund shall be paid from the funds appropriated to the Law Enforcement Division of the Alabama Alcoholic Beverage Control Board for "other expenses."

Was read a third time at length and passed.

Yeas 66; Nays 1.

*Yeas:*

Reps.: Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Cheatwood, Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holley, Holmes, Horn, Johnson (R. G.), Kelley, Laird, Langford, McMillan, Manley, Minus, Moore, Naramore, Owens, Parker, Patton, Pegues, Penry, Ray, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Tucker, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—66

*Nay:* Rep. Kennedy (C).

—1

And the bill:

S. 57. (With Amendment): To amend section 11-81-16 of the Code of Alabama 1975, which authorizes pledges of certain tax proceeds and other revenues for payment of principal of and interest on bonds of a county or municipality, so as to clarify the said section and so as to add to the classes of revenues that may be so pledged revenues from airports and other revenue producing facilities.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend Senate Bill 57, Section 1, page 2 on line 32 of said bill by inserting a comma , after the word "utility" and adding the following:

and the revenues from any airport or other revenue producing facility,

AMENDMENT TABLED

On motion of Rep. Waggoner, the amendment reported by the Standing Committee on Judiciary, was tabled.

Yeas 59; Nays 0.

*Yeas:*

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Cobb, Cooley, Crow, Daniels, Dixon, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Hilliard, Holley, Holmes, Horn, Howard, Johnson (R. G.), Laird, Langford, McMillan, Minus, Moore, Naramore, Olive, Owens, Patton, Penry, Ray, Reed, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Williams, Wyatt and Zoghby.

—59

AMENDMENT OFFERED

Rep. Waggoner offered the following amendment to the bill, S. 57:

Amend Senate Bill 57 in Section 1, page 2, line 24 after the word "airport" by striking or other revenue producing facility and inserting in lieu thereof facility or parking meters.

Further amend the bill on line 32 after the word "airport" by striking or other revenue producing and after the word "facility" delete the comma and add or parking meters.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 56; Nays 0.

*Yeas:*

Reps.: Adams (C), Albright, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Cheatwood, Clark, Cosby, Crow, Dixon, Drinkard, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Laird, McMillan, Manley, Minus, Moore, Naramore, Owens, Patton, Pegues, Penry, Ray, Reed, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Williams and Wyatt.

—56

And the bill, S. 57, as thus amended, was read a third time at length and passed.

Yeas 65; Nays 1.

*Yeas:*

Reps.: Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Cheatwood, Clark, Cobb, Cosby, Crow, Dixon, Drinkard, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy (Y), Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Naramore, Owens, Patton, Payne, Pegues, Penry, Ray, Reed, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Williams, Wyatt and Zoghby.

—65

*Nay:* Rep. Holley.

—1

**And the bill:**

S. 386. To prohibit the expenditure of state funds for the purpose of erecting or maintaining signs designating roads, bridges or buildings in honor or in memory of any individual.

Was read a third time at length and passed.

Yeas 64; Nays 6.

*Yeas:*

Reps.: Adams (C), Adams (H), Albright, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grouby, Hall, Hammett, Harper (O), Harper (T), Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Laird, Langford, McKee, McMillan, Manley, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Riddick, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Trammell, Tucker, Turner, Turnham, Venable, Waggoner and Zoghby.

—64

*Nays:*

Reps.: Kelley, Kennedy (C), Minus, Patton, Williams and Wyatt.

—6

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 349. To permit business and nonprofit corporations to give, pay, expend or contribute money, or services or anything of value for the purposes of establishing, administering or soliciting voluntary contributions to a separate, segregated fund to be utilized for political purposes including aiding or promoting the nomination or election of any person who is or becomes a

candidate for political or party office and aiding or promoting the interest and success, or defeat of any political party or proposition; to regulate the solicitation of contributions to such separate, segregated funds; and to amend Title 17, Section 17-22-3, entitled "Corrupt practices enumerated generally" and Title 10, Section 10-2-168, entitled "Giving aid or contributions to political parties or candidates, etc.", Code of Alabama (1975) to provide that it shall not be unlawful for any corporation to expend or contribute money or services or anything of value for the purposes of establishing, administering, or soliciting voluntary contributions to a separate, segregated fund established and administered pursuant to the provisions of this act.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 943. Relating to Madison County; to provide for the payment of increases in the salaries of deputies sheriff in said county; to prescribe a minimum pay scale for such deputies and to earmark a certain portion of the alcoholic beverage tax revenues accruing to said county under the provisions of Sections 40-28-1 through 40-28-3 of the Code of Alabama 1975 for the payment of such salary increases.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. McDonald, Smith, and Lemaster.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 953. To provide for a cost-of-living increase for all state employees and officials, including certain judges under certain circumstances, and other elected officials; to provide for revision of pay rates by the State Personnel Director and by the Administrative Director of Courts; to provide for the conditions prior to the granting of the conditional cost-of-living increase hereby authorized; to otherwise provide for and identify the funds from which said cost-of-living increase shall be paid and to appropriate such additional funds as may be necessary to pay such increase, subject to the condition of the state treasury and/or the availability of monies otherwise appropriated for any purpose during the fiscal year ending September 30, 1980.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Pearson, Smith, and St. John.

McDOWELL LEE,  
Secretary.

And the bill:

S. 231. To amend Section 3-1-12 of the Code of Alabama 1975 providing for the offense of cruelty to animals so as to include the abandonment of an animal within such offense and provide penalties therefor.

Was read a third time at length and passed.

Yeas 69; Nays 3.

*Yeas:*

Reps.: Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hilliard, Hines, Horn, Johnson (R. G.), Kelley, Laird, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Venable, Ward, Warren and Zoghby.

—69

*Nays:* Reps.: Holley, Williams and Wyatt.

—3

And the bill:

S. 169. Relating to the appointment of a curator of the property of persons residing in this state who shall become physically incapacitated, feeble-minded or epileptic, or so mentally or physically defective by reason of age, sickness, the use of drugs, excessive use of alcohol or other causes, and authorizing such curator to take charge of, manage and conserve the property of such person and relating to the effect of the appointment of a curator as to any such person.

Was read a third time at length and passed.

Yeas 38; Nays 8.

*Yeas:*

Reps.: Albright, Bedsole, Blake, Bowling, Brakefield, Buskey, Cheatwood, Cobb, Drinkard, Grouby, Hall, Hammett, Harper (O), Harper (T), Hilliard, Horn, Howard, Kennedy (C), Langford, McMillan, Minus, Naramore, Owens, Patton, Penry, Rains, Ray, Reed, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Tucker, Turner, Venable, Warren and Zoghby.

—38

*Nays:*

Reps.: Adams (H), Cooley, Holley, Kelley, Manley, Mitchell, Moore and Williams.

—8

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.



MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 201. To require all of the right, title and interest of the State of Alabama in and to the real property acquired by and in the name of the State of Alabama for the use and benefit of the state educational institution formerly known as Jacksonville State College at Jacksonville, Alabama, is hereby conveyed to and vested in Jacksonville State University, the body corporate created by Act No. 239, Regular Session 1967, approved August 16, 1967.

McDOWELL LEE,  
Secretary.

REPORT OF CONFERENCE COMMITTEE  
ON HOUSE BILL 580

We, the Committee on Conference appointed to reconcile the differences between the two Houses on House Bill 580 have met and agreed on a bill. A copy of the bill as agreed upon by the Conference Committee is attached hereto.

WALTER OWENS,  
ROBERT C. GAFFORD,  
TOMMY CARTER,

Conferees on the part of the House.

J. RICHMOND PEARSON,  
FINIS E. ST. JOHN, III,  
BILL G. SMITH,

Conferees on the part of the Senate.

A BILL  
TO BE ENTITLED  
AN ACT

To provide up to a 7% cost-of-living increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to identify the funds from which said cost-of-living increase and other fringe benefits shall be paid and to provide a procedure for determining availability and paying out of such funds. Also additional funds to Athens State College and the universities.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The State Budget Officer shall determine the amounts necessary to pay funds appropriated for each quarter of the fiscal year ending

September 30, 1980 under the Educational Appropriation Act and any other appropriations by the 1979 Regular Session from the Alabama Special Educational Trust Fund, and appropriation bills for Tuskegee Institute, Lyman Ward, Marion Institute, Walker Junior College, and Talladega College. The state Budget Officer shall further determine the amount for each such quarter, in excess of said appropriations, which must be reserved in order to establish an unappropriated ending balance of \$11,447,537 in the Alabama Special Educational Trust Fund on, and for the fiscal year ending, September 30, 1980. To the extent revenues accrue to the Alabama Special Educational Trust Fund for each of the four quarters of the fiscal year in amounts beyond those funds necessary to pay the above-mentioned appropriations and establish the said unappropriated ending balance, the Budget Officer shall certify those additional funds, if any, as being available to provide salary increases made herein.

SECTION 2. All revenue received by the Alabama Special Educational Trust Fund and not required for the appropriations and unappropriated ending balance described above is hereby available for an increase in salaries for the 1979-80 Fiscal Year up to the amount and in the manner hereinafter prescribed.

The Budget Officer shall allocate funds to the State Board of Education for disbursement to the local school systems, the technical, junior, and community colleges, to the board of the Alabama Institute for Deaf and Blind, to the board of the Department of Youth Services, and to the respective boards of the public colleges and universities.

(a) Teacher units funded by the Alabama Special Educational Trust Fund for all elementary-secondary programs (including vocational) and certified academic and vocational instructors at the Alabama Institute for Deaf and Blind and in the Department of Youth Services shall receive an increase of up to 7% of the state salary allocated in 1978-79 Fiscal Year.

(b) Full-time lunchroom workers, bus drivers, and all other support personnel in the elementary-secondary systems and at the Alabama Institute for Deaf and Blind shall receive an increase of up to 7% of state salary allocated in 1978-79 Fiscal Year.

(c) The State Board of Education shall receive an appropriation based on all full-time instructors, librarians, and counselors in the technical colleges of up to 7% of the state salary allocated in the 1978-79 fiscal year, to be distributed to the said technical colleges.

(d) The State Board of Education shall receive an appropriation based on all full-time instructors, librarians, and counselors in the junior colleges of up to 7% of the state salary allocated in the 1978-79 fiscal year, to be distributed to the said junior colleges.

(e) Athens State College and the universities shall receive an appropriation based on full-time instructional staff of up to 7% of the state salary allocated in the 1978-79 Fiscal Year. However, it is the intent of the Legislature that said funds be used to grant cost of living raises on a fair and equitable basis for all classifications of personnel of said college and universities. Provided, however, Athens State College and the universities under this subsection shall have authority to transfer funds between line items to grant cost-of-living increases to full-time support personnel, the intent of the Legislature being that the funds be used to grant cost-of-living raises on a fair

and equitable basis for all personnel of said college and the universities. However, the above language shall not be construed to prohibit the college administration from basing such raises on merit at the discretion of the administration.

SECTION 3. In addition to the provisions provided for in Section 2(a) and (b) the Governor is hereby authorized to allocate up to \$135,000 dollars for liability insurance for teachers as a fringe benefit from the funds provided for in the Governor's war on illiteracy.

SECTION 4. For the purpose of the Budget Officer making calculations of the money required to fund this appropriation, the State Superintendent of Education shall certify to the Budget Officer the number of teacher units allocated to each school board from state funds, the number of support personnel paid from state funds under each school board, and the number of full-time instructors, librarians, and counselors at each technical, junior, and community college paid from state funds. The President of the Alabama Institute for Deaf and Blind shall certify the number of full-time certified instructional staff and support personnel at that institution paid from state funds. The Director of the Department of Youth Services shall certify to the Budget Officer the number of full-time academic and vocational teachers and activities program supervisors paid from state funds in the Department. Each college or university president shall certify to the Budget Officer the amount necessary to comply with Section 2 (e).

SECTION 5. Upon the allocation by the Budget Officer, the state treasurer shall issue a warrant in the amount determined to be available for the said quarter by the Budget Officer.

SECTION 6. Payments shall be made by the state Treasurer on January 1, April 1, July 1, and September 30, 1980, or as soon thereafter as possible.

SECTION 7. In the event the full quarterly entitlement is not available in any quarter, such deficit shall be made up in subsequent quarters as funds are available.

SECTION 8. All laws or parts of laws which conflict with this act are hereby repealed.

SECTION 9. The provisions of this act are severable, If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### MOTION TO ADOPT REPORT OF COMMITTEE ON CONFERENCE

Rep. Owens offered the motion that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 580, said report being set out in the above and foregoing Report of the Committee on Conference.

#### SUBSTITUTE MOTION TABLED

On motion of Rep. Owens, the substitute motion offered by Rep. Johnson (Roy) that the House non-concur in the Report of the Committee on Conference on the bill, H. 580, and request a new Committee on Conference be appointed, was tabled.

Yeas 63; Nays 27.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Cooley, Cosby, Dial, Dixon, Edwards, Gafford, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Johnson (R. G.), Kelley, Kennedy (C), McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Tucker, Venable, Ward, Williams and Zoghby.

—63

*Nays:*

Reps.: Albright, Barton, Blake, Buskey, Cheatwood, Crow, Daniels, Hall, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy (Y), Laird, Langford, Mitchell, Rains, Ray, Seibels, Turner, Turnham, Warren, Whatley and Wyatt.

—27

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 360. To amend Sections 22-5-2, 22-5-4, 22-5-5, 22-5-6 and 22-5-7, Code of Alabama 1975, relating to the state commission on physical fitness, so as to provide further for the protection, promotion and improvement of the physical fitness of residents of the state; to provide further for the number of members constituting a quorum; to provide further for the duties of the commission; and to provide further for merit system employment for employees of the commission.

Also:

H. 451. To amend Section 9-17-13, Code of Ala. 1975, so as to more clearly provide for the integration or pooling and for the unitization of other interests included in tracts of land with regard to oil and gas drilling units and oil and gas pools.

Also:

H. 452. To amend Section 9-17-83, Subsections (3), (4), (5), and (7), Code of Ala. 1975, so as to more clearly render said subsections to include other "interests" within "tracts" in unitization orders.

Also:

H. 454. To amend Section 9-17-1, Subsection (3), Code of Ala. 1975, so as to provide for a redefinition of the word, "oil" with reference to pool rather than well.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 482. To provide for secret Grand Jury proceedings and that secrecy inviolate; and further, to provide for the form and content of Grand Jury Reports, and to set criminal penalties for the unauthorized solicitation of, release and/or disclosure of evidence, testimony and other matters pertaining to Grand Jury proceedings; provides for an oath of secrecy to be given Grand Jury witnesses, and further proscribes criminal penalties for the obstruction of Grand Jurors, Grand Jury witnesses and their testimony.

McDOWELL LEE,  
Secretary,

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 494. This bill amends Section 16-5-1 through 16-5-10, Code of Alabama, 1975, an act to establish the Alabama Commission on Higher Education, so as to change the name of the Commission, to expand the membership of the Commission, to establish the Commission as the statewide long-range planning agency for postsecondary education, to provide the Commission with the authority of approval for new units or programs of instruction for academic credit, for advisory coordination of research and public service, the authority to regulate off-campus offerings for academic credit, the authority to regulate units or programs of instruction by non-Alabama institutions, to designate the Commission as the state agency responsible for the administration of those titles of the Higher Education Acts of 1965 as amended for those programs requiring a single state agency and those functions under the Southern Regional Education Compact heretofore assigned to the State Board of Education.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 317. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1980, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Also:

H. 381. To amend Section 40-18-15 of the Code of Alabama 1975, as amended, relating to state income tax deductions for individuals so as to increase the percentage of such deductions allowable for contributions or gifts to religious, charitable or scientific institutions.

Also:

H. 71. To amend Section 8-16-15 of Title 8 of the Code of Alabama 1975 to increase the annual appointment fee required to be paid to the Commissioner of Agriculture and Industries by persons appointed or designated as weighmasters by increasing the annual fee to \$10.00.

Also:

H. 417. To allow all local Boards of Education to expend reasonable sums for payment to employees for suggestions.

Also:

H. 501. To require any person, firm, or corporation which operates, constructs, or maintains a nuclear powered electric generating facility licensed by the U. S. Nuclear Regulatory Commission to conduct inquiries into the criminal records of any employee who performs duties at such facility; to require that fingerprint cards of such employee be submitted by his employer to the Alabama Department of Public Safety requiring a search to be conducted of state and federal criminal history files with the results thereof being furnished to submitting employer; to provide exemptions of certain employees from the provisions of this Act; and to relieve and hold harmless the Department of Public Safety from any liability arising from disclosure of criminal history records provided under the provisions of this Act.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 403. This Bill creates a Driver License Medical Advisory Board nominated by the Medical Association of the State of Alabama and appointed by the Director of Public Safety to advise the Director concerning the medical

aspects of driver licensing. It also outlines the functions and responsibilities of the board; provides for the confidentiality of related reports and immunity from legal actions.

Also:

H. 241. To amend Section 11-51-200 of the Code of Alabama 1975, providing for the levy of a sales tax paralleling the state sales tax by the incorporated cities and towns of the state, so as to remove the prohibition on the levy of such taxes on the alcoholic beverage control board in the sale of alcoholic beverages, and to provide that any counties that have authority to tax under the present law shall have full authority to levy such tax upon the alcoholic beverage control board in the sale of alcoholic beverages as provided under the statutory authorization.

Also:

H. 792. To amend Code of Alabama 1975, Section 36-7-20 and 37-7-22 relating to various expense allowances for state employees so as to provide that the Governor may increase the mileage allowances and per diem allowances for such employees.

Also:

H. 298. To transfer the LaGrange Historical Site owned by the LaGrange Historical Commission of the State of Alabama to the Alabama Historical Commission.

Also:

H. 256. To provide for a procedure of payroll deductions for certain contributions made by state officers and employees.

Also:

H. 331. Relating to elections; to provide for hours of voting; and for such purpose amending Code of Alabama 1975, Section 17-7-6, and repealing Sections 17-7-10 and 17-9-30.

Also:

H. 814. To indemnify the commissioner of the board of corrections, deputy commissioners, members of the board of corrections, and other officers, employees and agents of the board of corrections for acts arising out of and performed in connection with their official duties in behalf of the state of Alabama.

Also:

H. 562. To amend section 22-27-5 of the Code of Alabama 1975 which relates to the authority of localities to establish fees and enter into mutual agreements or contracts in connection with solid waste disposal, so as to further provide remedies for the nonpayment of fees.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 88. To amend Section 5-1-17 of the Code of Alabama 1975 relating to special certificates of deposit so as to prescribe certain procedures relating to the maturity of such certificates.

McDOWELL LEE,  
Secretary.

#### H. 580 RESUMED

#### COMMITTEE ON CONFERENCE REPORT ADOPTED

The question was then on the motion offered by Rep. Owens that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses to the Senate amendment to the bill, H. 580, and the motion was adopted.

Yeas 65; Nays 24.

#### *Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Cooley, Cosby, Daniels, Dial, Dixon, Edwards, Ford, Gafford, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Kelley, Kennedy (C), Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Venable, Waggoner, Ward and Zoghby.

—65

#### *Nays:*

Reps.: Albright, Barton, Blake, Buskey, Cheatwood, Crow, Hall, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy (Y), Laird, Langford, Mitchell, Rains, Ray, Tucker, Turner, Turnham, Whatley and Wyatt.

—24

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 846. To authorize each county in Alabama to issue and sell, for the purpose of financing the costs of erecting necessary public buildings, bridges and roads or for refunding purposes, interest-bearing tax anticipation warrants payable solely out of the special road, bridge and public building tax authorized to be levied by counties under § 215 of the Constitution of Alabama (as amended), to authorize the county commission of the issuing county (subject to certain specified conditions) to fix the terms and conditions on which such warrants may be issued and sold, to provide that such warrants shall not be subject to the laws of the state relating to usury or limiting interest rates, that the provisions of § 11-8-10 of the Code of Alabama 1975, as amended, shall not apply to any such warrants and that such warrants may be issued without an election.



Also:

H. 508. To amend Sections 2-15-20, 2-15-27 and 2-15-28, Code of Alabama 1975, relating to the branding of livestock so as to include tattoo marks on the hide or in the ear in the definition of the word "Brand." It provides that regulations promulgated by the commissioner of agriculture which will facilitate the tracing and identification of lost, stolen or estrayed livestock shall include information on the tracing and identification of swine by brands, tattoos or other means.

Also:

H. 573. To amend Sections 8-6-3, 8-6-7, 8-6-8, 8-6-11, 8-6-12, 8-6-18, 8-6-57 and 8-6-58, Code of Alabama 1975, relating to the Alabama Securities Act, so as to further delineate the circumstances under which the commission may deny, suspend or revoke registration of dealers or salesmen; to require the submission of an opinion of counsel as to the legality of securities being registered by qualification; to provide that registration by qualification shall be effective for a period of one year; to further define an isolated transaction; to increase the filing fee for application for exemption from registration in certain nonpublic offerings of securities; to further define the scope of the act with respect to when an offer or sale is made in this state; to increase the criminal penalties for violation of the act and provide for its enforcement; to change the merit system classification of the deputy director; and to provide for the employment of additional personnel.

McDOWELL LEE,  
Secretary.

#### H. 580 RESUMED

The question was then on the passage of the bill, H. 580 as amended, by the Report of the Committee on Conference.

#### MOTION TO POSTPONE TABLED

On motion of Rep. Owens, the motion offered by Rep. Wyatt to postpone further consideration of the bill, H. 580 as amended by the Report of the Committee on Conference, to the thirtieth legislative day, was tabled.

Yeas 62; Nays 28.

*Yeas:*

Mr. Speaker, Adams (C), Bedsole, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Cooley, Cosby, Dial, Dixon, Edwards, Ford, Gafford, Grimsley, Grouby, Harper (O), Harper (T), Harrison, Harvey, Hines, Johnson (R. G.), Kelley, Kennedy (C), McKee, McMillan, Manley Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Venable, Waggoner, Ward, Warren, Williams and Zoghby.

—62

*Nays:*

Reps.: Albright, Barton, Blake, Buskey, Cheatwood, Crow, Gilmer, Hall, Hammett, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy (Y), Laird, Langford, Mitchell, Rains, Ray, Seibels, Stout, Turner, Turnham, Whatley and Wyatt.

—28

## MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Wyatt to indefinitely postpone the bill, H. 580 as amended by the Report of the Committee on Conference, was lost.

Yeas 12; Nays 75.

*Yeas:*

Reps.: Barton, Blake, Buskey, Cheatwood, Crow, Holley, Holmes, Horn, Langford, Rains, Turner and Wyatt.

—12

*Nays:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Zoghby.

—75

## REPORT OF COMMITTEE ON CONFERENCE ADOPTED

On motion of Rep. Owens, the bill:

H. 580. To provide up to a 7% cost-of-living increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to identify the funds from which said cost-of-living increase shall be paid and to provide a procedure for determining availability and paying out of such funds. Also additional funds to Athens State College and the universities.

As amended by the Report of the Committee on Conference was again read at length and passed.

Yeas 70; Nays 23.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Johnson (R. G.), Kelley, Kennedy (C), Letson, McKee, McMillan, Manley, Minus, Moore Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Williams and Zoghby.

—70

*Nays:*

Reps.: Albright, Barton, Blake, Buskey, Cheatwood, Crow, Hall, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy (Y), Laird, Langford, Mitchell, Rains, Ray, Turner, Whatley and Wyatt.

—23

### MOTION TO ADJOURN LOST

The motion offered by Rep. Turner that the House adjourn until 11:00 o'clock a.m., Monday, July 30, was lost.

Yeas 5; Nays 72.

*Yeas:* Reps.: Blake, Cobb, Holmes, Turner and Williams.

—5

*Nays:*

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Howard, Johnson (R. G.), Kelley, Kennedy (Y), Langford, Letson, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Wyatt and Zoghby.

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### REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL 953

We, the Committee on Conference appointed to reconcile the differences between the two Houses on House Bill 953 have met and agreed on a bill. A copy of the bill as agreed upon by the Conference Committee is attached hereto.

WALTER OWENS,

ROBERT C. GAFFORD,

TOMMY CARTER,

Conferees on the part of the House.

J. RICHMOND PEARSON,

FINIS E. ST. JOHN, III,

BILL G. SMITH,

Conferees on the part of the Senate.

### A BILL TO BE ENTITLED AN ACT

To provide for a cost-of-living increase for all state employees and officials, including certain judges under certain circumstances, and certain other officials; to provide for revision of pay rates by the State Personnel Director and by the Administrative Director of Courts; to provide for the

conditions prior to the granting of the conditional cost-of-living increase hereby authorized; to otherwise provide for and identify the funds from which said cost-of-living increase shall be paid and to appropriate such additional funds as may be necessary to pay such increase, subject to the condition of the state treasury and/or the availability of monies otherwise appropriated for any purpose during the fiscal year ending September 30, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning on October 1, 1979, and payable in a lump sum quarterly, all state employees who are listed in the classified and unclassified service of the state as defined in the Code of Alabama 1975, Section 36-26-10, and all other state employees and all hourly employees of the state, except those set out in Section 2 herein, and all legislative personnel, officers, and employees, including but not limited to Legislative Reference Service personnel, whether subject to the state merit system or not, and all circuit clerks and registers, and all other elected officials of the judicial branch of government and all employees of the County Health Departments who are employed subject to the State Merit System and whose compensation is paid out of a budget provided and agreed upon by the state, county, or other contributing agency under the direction of the State Board of Health and all state judges, except as provided in Section 2, shall receive a conditional cost-of-living increase in their salaries or compensation up to 7% conditional as provided herein. The amount of the conditional appropriation shall be determined during any quarter of the fiscal year conditional upon the condition of the state treasury upon the State Budget Officer's determination that funds otherwise appropriated and/or any additional monies in the state treasury are available to pay such conditional increase. The amount of such cost-of-living increase up to 7% shall be determined by the State Budget Officer on the basis of the percent of increase which can be paid and supported by the monies otherwise appropriated to and among the same departments, boards, bureaus, commissions, agencies, offices, or institutions for fiscal year 1979-80 and/or the condition of the state treasury as provided in this Act; and it is the intention of the Legislature that the Governor be, and he is hereby authorized to, transfer such amounts to, from, and between such departments, boards, bureaus, commissions, agencies, offices, and institutions under his direct control for the purpose of paying the cost-of-living increase for state employees and officials; any cost-of-living increase granted under the provisions of this act shall in no way apply to any local supplement provided to any judges or any other employees of this state.

Section 2. The provisions of this Act shall not apply to any merit system employee or hourly employee whose service or rates of pay are covered by any labor agreement or contract, nor shall this Act apply to state judges whose salaries are payable from the State Treasury if such judges' salaries are increased under and by virtue of: (1) the recommendations contained in the Report of the Judicial Compensation Commission to the 1979 Regular Session of the Legislature becoming law; or (2) the enactment into law of legislation altering and amending said Report, or (3) any other legislation enacted into law during the 1979 Regular Session of the Legislature; nor shall this Act apply to any person who, for any quarter in which said person, was not employed for the entire quarter.

Section 3. The State Budget Officer shall determine the amounts necessary to pay appropriations for each quarter of the fiscal year ending September 30, 1980, from the funds from which salaries are paid and from the general fund. In the event revenues accrue to the funds from which salaries

are paid and to the state general fund for each of the four quarters of the fiscal year in amounts beyond those funds necessary to pay the above mentioned appropriations, the State Budget Officer shall certify those additional funds, if any, as being available for the conditional salary increases provided by this Act.

Section 4. The State Budget Officer shall allot funds available under the provisions of this Act under similar procedures as provided in Article 4, Chapter 4, Title 41, of the Code of Alabama 1975, for the purposes of paying the conditional cost-of-living salary increases provided by this Act.

Section 5. Upon allotment by the State Budget Officer, the State Treasurer shall issue a warrant in the amount determined to be available for each quarter for the conditional cost-of-living salary increases provided by this Act.

Section 6. In the event the entitlement for one quarter is not available in any quarter, such deficit shall be made up in subsequent quarters as funds are available.

Section 7. The State Personnel Director shall revise the schedule of rates for all employees and officials hereby affected regardless of whether subject to the State Merit System, to reflect the increase herein provided. The State Personnel Board shall certify to the State Comptroller the new rates of pay regardless of whether subject to the merit system, that each classification, employee or official is entitled to receive, and the Comptroller shall issue warrants in accordance therewith. With respect to court officials and employees within the Unified Judicial System who serve the trial courts of the state and the Administrative Office of Courts, the Administrative Director of Courts shall revise the salaries and schedule of rates set forth in the pay plan for such court officials and employees to reflect the increase herein provided, and shall certify the same to the State Comptroller who shall issue warrants in accordance therewith. Anything herein to the contrary notwithstanding, such revisions shall be made only once at the end of the Fiscal Year, that is on September 30, 1980, and shall reflect the actual total annual increase in rates of pay, resulting from the conditional quarterly payments.

Section 8. There is hereby appropriated, for the Fiscal Year beginning October 1, 1979, and ending September 30, 1980, from the funds from which the salaries of the several state employees and officials are paid, or if there is not sufficient money in such funds, then from the General Fund, such additional sums as may be necessary to pay the cost-of-living increase herein provided for such state employees and officials as are subject to the provisions of this Act. This appropriation is conditional on the availability of funds.

Section 9. No state employee or other person covered under the provisions of this Act shall receive a cost-of-living increase under the provisions of the Act out of any funds in the state treasury or otherwise unless the cost-of-living increase is granted to all state employees or persons covered under the provisions of this Act equally and sufficient funds are certified as being available on an equal basis by the Governor for all state employees or other persons covered under the provisions of this Act.

Section 10. In the event any section, sentence, clause, or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses, or portions of this Act, which shall continue effective.

Section 11. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### COMMITTEE ON CONFERENCE REPORT ADOPTED

On motion of Rep. Owens, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 953, said Report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 86; Nays 3.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holmes, Howard, Johnson (R. G.), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—86

*Nays:* Reps.: Cheatwood, Horn and Turner.

—3

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 157. To amend Sections 34-27-4, 34-27-31 and 34-27-35 of the Code of Alabama 1975, as amended, Regular Session, 1978, Acts No. 654, pertaining to qualifications for real estate broker and real estate salesmen licensees, so as to establish a "Real Estate Recovery Fund"; to provide procedural rights for aggrieved parties in certain real estate transactions and to provide for the termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

Also:

H. 148. To amend Code of Alabama 1975, Sections 40-20-2 and 40-20-8, so as to increase the rate of tax; to provide further for distribution of the proceeds of the tax; and to provide certain exemptions from the increased rate.

Also:

H. 758. To ratify the action of cities or towns in awarding and proceeding under contracts for improvements, the cost of which is to be assessed against the property drained, served or benefited by such improvements,

when bids for the construction of such improvements were received and contracts were awarded and executed before the holding of the protest meeting required by Section 11-48-8 of the CODE OF ALABAMA 1975, and to state the limitations on such ratification.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 360. To amend Sections 22-5-2, 22-5-4, 22-5-5, 22-5-6 and 22-5-7, Code of Alabama 1975, relating to the state commission on physical fitness, so as to provide further for the protection, promotion and improvement of the physical fitness of residents of the state; to provide further for the number of members constituting a quorum; to provide further for the duties of the commission; and to provide further for merit system employment for employees of the commission.

Also:

H. 451. To amend Section 9-17-13, Code of Ala. 1975, so as to more clearly provide for the integration or pooling and for the unitization of other interests included in tracts of land with regard to oil and gas drilling units and oil and gas pools.

Also:

H. 452. To amend Section 9-17-83, Subsections (3), (4), (5), and (7), Code of Ala. 1975, so as to more clearly render said subsections to include other "interests" within "tracts" in unitization orders.

Also:

H. 454. To amend Section 9-17-1, Subsection (3), Code of Ala. 1975, so as to provide for a redefinition of the word "oil" with reference to pool rather than well.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 201. To require all of the right, title and interest of the State of Alabama in and to the real property acquired by and in the name of the State of Alabama for the use and benefit of the state educational institution formerly known as Jacksonville State College at Jacksonville, Alabama, is hereby conveyed to and vested in Jacksonville State University, the body corporate created by Act No. 239, Regular Session 1967, approved August 16, 1967.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 71. To amend Section 8-16-51 of Title 8 of the Code of Alabama 1975 to increase the annual appointment fee required to be paid to the Commissioner of Agriculture and Industries by persons appointed or designated as weighmasters by increasing the annual fee to \$10.00.

Also:

H. 241. To amend Section 11-51-200 of the Code of Alabama 1975, providing for the levy of a sales tax paralleling the state sales tax by the incorporated cities and towns of the state, so as to remove the prohibition on the levy of such taxes on the alcoholic beverage control board in the sale of alcoholic beverages, and to provide that any counties that have authority to tax under the present law shall have full authority to levy such tax upon the alcoholic beverage control board in the sale of alcoholic beverages as provided under the statutory authorization.

Also:

H. 256. To provide for a procedure of payroll deductions for certain contributions made by state officers and employees.



Also:

H. 298. To transfer the LaGrange Historical Site owned by the LaGrange Historical Commission of the State of Alabama to the Alabama Historical Commission.

Also:

H. 317. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1980, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Also:

H. 331. Relating to elections; to provide for hours of voting; and for such purpose amending Code of Alabama 1975, Section 17-7-6, and repealing Sections 17-7-10 and 17-9-30.

Also:

H. 381. To amend Section 40-18-15 of the Code of Alabama 1975, as amended, relating to state income tax deductions for individuals so as to increase the percentage of such deductions allowable for contributions or gifts to religious, charitable or scientific institutions.

Also:

H. 403. This Bill creates a Driver License Medical Advisory Board nominated by the Medical Association of the State of Alabama and appointed by the Director of Public Safety to advise the Director concerning the medical aspects of driver licensing. It also outlines the functions and responsibilities of the board; provides for the confidentiality of related reports and immunity from legal actions.

Also:

H. 417. To allow all local Boards of Education to expend reasonable sums for payment to employees for suggestions.

Also:

H. 501. To require any person, firm, or corporation which operates, constructs, or maintains a nuclear powered electric generating facility licensed by the U. S. Nuclear Regulatory Commission to conduct inquiries into the criminal records of any employee who performs duties at such facility; to require that fingerprint cards of such employee be submitted by his employer to the Alabama Department of Public Safety requiring a search to be conducted of state and federal criminal history files with the results thereof being furnished to submitting employer; to provide exemptions of certain employees from the provisions of this Act; and to relieve and hold harmless the Department of Public Safety from any liability arising from disclosure of criminal history records provided under the provisions of this Act.

Also:

H. 562. To amend section 22-27-5 of the Code of Alabama 1975 which relates to the authority of localities to establish fees and enter into mutual agreements or contracts in connection with solid waste disposal, so as to further provide remedies for the nonpayment of fees.

Also:

H. 792. To amend Code of Alabama 1975, Section 36-7-20 and 37-7-22 relating to various expense allowances for state employees so as to provide that the Governor may increase the mileage allowances and per diem allowances for such employees.

Also:

H. 814. To indemnify the commissioner of the board of corrections, deputy commissioners, members of the board of corrections, and other officers, employees and agents of the board of corrections for acts arising out of and performed in connection with their official duties in behalf of the state of Alabama.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 846. To authorize each county in Alabama to issue and sell, for the purpose of financing the costs of erecting necessary public buildings, bridges and roads or for refunding purposes, interest-bearing tax anticipation warrants payable solely out of the special road, bridge and public building tax authorized to be levied by counties under § 215 of the Constitution of Alabama (as amended), to authorize the county commission of the issuing county (subject to certain specified conditions) to fix the terms and conditions on which such warrants may be issued and sold, to provide that such warrants shall not be subject to the laws of the state relating to usury or limiting interest rates, that the provisions of § 11-8-10 of the Code of Alabama 1975, as amended, shall not apply to any such warrants and that such warrants may be issued without an election.

Also:

H. 508. To amend Sections 2-15-20, 2-15-27 and 2-15-28, Code of Alabama 1975, relating to the branding of livestock so as to include tattoo marks on the hide or in the ear in the definition of the word "Brand." It provides that regulations promulgated by the commissioner of agriculture which will facilitate the tracing and identification of lost, stolen or estrayed livestock shall include information on the tracing and identification of swine by brands, tattoos or other means.

Also:

H. 573. To amend Sections 8-6-3, 8-6-7, 8-6-8, 8-6-11, 8-6-12, 8-6-18, 8-6-57 and 8-6-58, Code of Alabama 1975, relating to the Alabama Securities Act, so as to further delineate the circumstances under which the commission may deny, suspend or revoke registration of dealers or salesmen; to require the submission of an opinion of counsel as to the legality of securities being registered by qualification; to provide that registration by qualification shall be effective for a period of one year; to further define an isolated transaction; to increase the filing fee for application for exemption from registration in certain nonpublic offerings of securities; to further define the scope of the act with respect to when an offer or sale is made in this state; to increase the criminal penalties for violation of the act and provide for its enforcement; to change the merit system classification of the deputy director; and to provide for the employment of additional personnel.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 109. To provide for definition of terms as used in this Act; to provide a statement of Legislative intent; to provide a comprehensive system of time limitations for the commencement and maintenance of product liability actions; to provide that all product liability actions must be commenced within one (1) year from the time the personal injury, death or property damage occurs; to provide that where the personal injury is a result of insidious disease, the action must be commenced within one (1) year of the date such injury was or in the exercise of reasonable diligence should have been discovered; to provide that a product liability action must be brought, in any event, within eight (8) ten (10) years of the date the product was put to use; to provide that time limitations provided herein may be waived by express written agreement; to provide that product liability actions arising from the breach of a duty to take or not to take certain actions with respect to a product, coinciding with the failure by the defendant to comply with a government requirement to take or not to take such action, may be brought within one (1) year of the time the personal injury, death or property damage arising from such failure occurs; to provide that such actions resulting from insidious disease may be brought within one (1) year from the date such personal injury was or in the exercise of reasonable diligence should have been discovered; to provide that such actions must be brought in any event within eight (8) ten (10) years from the date of the imposition of the governmental requirements; to provide that the provisions of this Act are inseparable and nonseverable; to provide that this Act shall not be retroactive; and to provide a manner in which this bill become law.

Also:

S. 210. To provide for a definition of terms as used in this Act; to provide a statement of Legislative intent; to provide that in all product liability actions, evidence that a plaintiff's medical or hospital expenses claimed as damages have been or will be paid or reimbursed by medical or hospital insurance or pursuant to the medical and hospital payment provisions of the law governing workmen's compensation shall be admissible in evidence; to provide that a plaintiff may introduce evidence of the cost of obtaining reimbursement or payment of such medical or hospital expenses; to provide that a plaintiff may recover as damages a reasonably related portion of the cost of obtaining such medical or hospital payments; to provide that where a plaintiff is obligated to repay such medical or hospital expenses no evidence of payment or reimbursement not otherwise admissible shall be admissible; to provide for the repeal of inconsistent laws or parts of law; to provide for the severability of this Act; and to provide the manner in which this bill becomes law.

Also:

S. 247. To amend Sections 23-1-271 through 23-1-273 and 23-1-280 of the Code of Alabama 1975, as amended, relating to the "Highway Beautification Act—Outdoor Advertising," so as to delay the removal of all non-conforming motorist directional signs until all other non-conforming signs have been removed and to provide exemption from removal for certain motorist directional signs where such removal would cause a substantial negative economic impact in a defined area, and to ensure that in situations where just compensation must be paid for sign removal, that payment is made by the responsible removing authority; and to provide an effective date.

Also:

S. 321. To amend Section 32-5-2, Code of Alabama 1975, so as to require owners of real property used for public vehicular travel to meet certain traffic control requirements.

Also:

S. 347. To authorize the mayor or other chief executive officer of any municipality in this state to appoint a parole board, its members and term of office, and to prescribe duties thereof and of parole officers in granting and revoking paroles and work or educational releases; to confer powers of arrest upon parole officers, with or without warrant.

Also:

S. 397. To amend Title 44, Chapter 2 of the Code of Alabama 1975 by adding thereto The Interstate Compact on the Placement of Children.

Also:

S. 443. To further regulate architects and the practice of architecture and to repeal sections 34-2-1 through 34-2-24, Code of Alabama 1975.

Also:

S. 451. To prohibit possession of a firearm at demonstrations by anyone other than an on duty law enforcement officer, and prescribe penalties for violations of this Act.

Also:

S. 572. To amend Sections 16-30-1 and 16-30-4, Code of Alabama 1975, relating to the immunization of school children, so as to require any student who has not been immunized upon initial entry into a school in Alabama, must show proof of immunization at the commencement of the next school year.

McDOWELL LEE,  
Secretary.

### SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

### H. 953 RESUMED

And the bill:

H. 953. To provide for a cost-of-living increase for all state employees and officials, including certain judges under certain circumstances, and other elected officials; to provide for revision of pay rates by the State Personnel Director and by the Administrative Director of Courts; to provide for the conditions prior to the granting of the conditional cost-of-living increase hereby authorized; to otherwise provide for and identify the funds from which said cost-of-living increase shall be paid and to appropriate such additional funds as may be necessary to pay such increase, subject to the condition of the state treasury and/or the availability of monies otherwise appropriated for any purpose during the fiscal year ending September 30, 1980.

As thus amended by the Report of the Committee on Conference was again read at length and passed.

Yeas 88; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holmes, Howard, Johnson (R. G.), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—88

Nays: Reps.: Cheatwood and Horn.

—2

## H.151 AGAIN TAKEN UP

And the bill:

H. 151. To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of such judge; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 20; to repeal all laws or parts of laws in conflict herewith; to amend Section 12-17-20 of the 1975 Code of Alabama: to eliminate one district judgeship in the Birmingham District of Jefferson County; and to provide the effective date of this Act.

Which previously was temporarily postponed was again taken up.

## SENATE AMENDMENT ADOPTED

On motion of Rep. Waggoner, the House concurred in and adopted the Senate amendment to the bill, H. 151, said Senate amendment being previously set out in a Message from the Senate.

Yeas 20; Nays 0.

*Yeas:*

Reps.: Bennett, Biddle, Cabaniss, Clark, Gafford, Harper (O), Horn, Kelley, Manley, Moore, Olive, Payne, Pegues, Reed, Sasser, Seibels, Smith (C), Smith (M), Tucker and Whatley.

—20

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 151 as thus amended, was again read at length and passed.

Yeas 15; Nays 0.

*Yeas:*

Reps.: Bennett, Biddle, Cabaniss, Gafford, Gilmer, Horn, Lewis, McKee, Moore, Olive, Payne, Seibels, Smith (M), Trammell and Waggoner.

—15

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 495. To propose an amendment to the Constitution to provide for a weekly travel allowance for members of the legislature while in session, payable at the same rate as the travel allowance authorized for state employees under the general laws of the state.

Also:

H. 427. To provide for a privilege license for automotive dismantlers and parts recyclers; to fix a fee for such license; to require proof of responsibility for such license; to provide for the business which may be carried on under such license; to set qualifications for obtaining such license; to require maintenance of certain records to assist law enforcement officials; to authorize holders of such license to transfer certificates of title to motor vehicles as a licensed motor vehicle dealer; to provide for cancellation or revocation of such license; to require buyers at salvage pools or salvage disposal sales to obtain a buyer's identification card to purchase at such sales, and fix the qualifications for such buyers; to fix a penalty for violations of this Act; and to set an effective date.

Also:

H. 674. To make an appropriation to the University of Alabama in Birmingham, School of Optometry, from funds which are on deposit in the State Treasury.

McDOWELL LEE,  
Secretary.

#### CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:30 P.M. on July 19, 1979.

H. 152

H. 275

H. 3

H. 715

H. 847

H. 831

Delivered to the Governor at 3:20 P.M. on July 19, 1979.

H. J. R. 292

H. J. R. 301

H. J. R. 310

H. 736 (Executive Amendment)

Delivered to the Governor at 3:35 P.M. on July 19, 1979.

H. 795

H. 988

H. 1021

H. 1022

H. 1023

H. 1024

H. 1033

H. 1036

H. 1037

H. 1043

H. 1046

H. 1047

Delivered to the Governor at 5:20 P.M. on July 19, 1979.

H. 553

H. 945

H. 946

H. 948

H. 949

H. 960

H. 1020

H. 1038

H. 1039

H. 1040

Delivered to the Governor at 8:20 P.M. on July 19, 1979.

H. 386

Delivered to the Governor at 8:45 P.M. on July 19, 1979.

H. J. R. 274

H. 528



REGULAR SESSION  
29th Day

2259

H. 23

H. 38

H. 206

H. 493

H. 551

H. 803

H. 938

H. 947

H. 950

H. 18

H. J. R. 296

H. 56

H. 944

Delivered to the Governor at 10:00 P.M. On July 19, 1979.

H. 239

H. 294

Delivered to the Governor at 11:30 P.M. On July 19, 1979.

H. 494

Delivered to the Governor at 11:40 P.M. On July 19, 1979.

H. 157

H. 148

H. 758

H. 360

H. 451

H. 452

H. 454

H. 201

H. 71

H. 241

H. 256

H. 298

H. 317

H. 331

H. 381

H. 403

H. 417

H. 501

H. 562

H. 792

H. 814

H. 846

H. 508

H. 573

JOHN W. PEMBERTON,  
Clerk.

## ADJOURNMENT

On motion of Rep. Howard and pursuant to the resolution, H. R. 314, heretofore adopted, the House adjourned until 11:00 o'clock a.m., Monday, July 30, 1979.

Yeas 45; Nays 31.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Cates, Clark, Cooley, Cosby, Daniels, Dixon, Edwards, Harper (O), Hilliard, Holmes, Kelley, Kennedy (C), Kennedy (Y), Laird, Manley, Minus, Moore, Naramore, Olive, Parker, Patton, Pegues, Ray, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Trammell, Turnham, Venable, Waggoner and Wyatt.

—45

*Nays:*

Reps.: Barton, Carothers, Carter, Crow, Drinkard, Gilmer, Grimsley, Hammett, Harper (T), Holley, Jackson, Johnson (R. G.), Letson, McKee, McMillan, Mitchell, Owens, Payne, Penry, Rains, Reed, Roberts, Shavers, Smith (C), Smith (M), Stewart, Stout, Warren, Whatley, Williams and Zoghby.

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## THIRTIETH DAY

House of Representatives  
Montgomery, Alabama  
Monday, July 30, 1979

The House met pursuant to adjournment.

## PRAYER

The session was opened with prayer by the Reverend Letchee Mitchell, Robinson Springs United Methodist Church, Millbrook, Alabama.

## ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—105

A quorum was present.

## REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twenty-ninth legislative day and finds the same to be correct.

JACK BIDDLE, III,  
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the twenty-ninth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twenty-ninth legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 151. To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of such judge; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to render such judge liable to all the pains and penalties of other Circuit Judges in the State; to further provide for a division of authority and duties between judgeships in said Circuit; to increase the number of Circuit Judges in the Tenth Judicial Circuit of Alabama to 20; to repeal all laws or parts of laws in conflict herewith; to amend Section 12-17-20 of the 1975 Code of Alabama; to eliminate one district judgeship in the Birmingham District of Jefferson County; and to provide the effective date of this Act.

Also:

H. 427. To provide for a privilege license for automotive dismantlers and parts recyclers; to fix a fee for such license; to require proof of responsibility for such license; to provide for the business which may be carried on under such license; to set qualifications for obtaining such license; to require maintenance of certain records to assist law enforcement officials; to authorize holders of such license to transfer certificates of title to motor vehicles as a licensed motor vehicle dealer; to provide for cancellation or revocation of such license; to require buyers at salvage pools or salvage disposal sales to obtain a buyer's identification card to purchase at such sales, and fix the qualifications for such buyers; to fix a penalty for violations of this Act; and to set an effective date.

Also:

H. 674. To make an appropriation to the University of Alabama in Birmingham, School of Optometry, from funds which are on deposit in the State Treasury.

Also:

H. 495. To propose an amendment to the Constitution to provide for a weekly travel allowance for members of the legislature while in session, payable at the same rate as the travel allowance authorized for state employees under the general laws of the state.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. J. R. 316. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Monday, July 30, 1979, they adjourn sine die.

On motion of Rep. Manley, the rules were suspended and the House concurred in and adopted the resolution, H. J. R. 316.

Also:

By Rep. Manley:

H. R. 317. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the hour of 6:00 P.M. arrives on this the 30th day of July, 1979, the House of Representatives shall stand in a supper recess from 6:00 P.M.-8:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 317, was adopted.

Also:

By Rep. Gafford:

H. R. 318. COMMENDING LEON C. HAMRICK, M.D.

WHEREAS, Leon C. Hamrick, M.D., has practiced medicine in Alabama 27 years;

WHEREAS, Dr. Hamrick is highly regarded in this state and the nation for his surgical skill and as the able Medical Director of Lloyd Noland Hospital, Fairfield, an institution known all over the world for its achievements;

WHEREAS, Dr. Hamrick has served with distinction as chairman of the State Committee of Public Health, the State Board of Medical Examiners, and the Board of Censors of the Medical Association of the State of Alabama;

AND WHEREAS Dr. Hamrick has served as Physician of the Day on several occasions in the Alabama Legislature;

NOW THEREFORE BE IT RESOLVED that the House of Representatives wholeheartedly commends Leon C. Hamrick, M.D., for his diligent service to his profession, his state, and the people of Alabama.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Leon C. Hamrick, M.D.

On motion of Rep. Gafford, the rules were suspended and the resolution, H. R. 318, was adopted.

#### NOTICE IN WRITING

Rep. Waggoner filed the following Notice in Writing:

Having voted on the prevailing side on Senate Bill 57, I request that the bill be reconsidered.

#### RESOLUTIONS

The following resolutions were introduced:

By Rep. Riddick:

H. J. R. 319. COMMENDING THE KNIGHTS OF COLUMBUS FOR THEIR EFFORTS ON BEHALF OF ALABAMA'S MENTALLY RETARDED CITIZENS AND DESIGNATING OCTOBER 12, 13 AND 14, 1979 AS "KNIGHTS OF COLUMBUS TOOTSIE ROLL DRIVE DAYS" IN ALABAMA.

WHEREAS, the Knights of Columbus is a fraternal organization of Catholic men which was founded in 1882 by Father Michael McGivney to practice the principles of charity, unity, fraternity and patriotism; and

WHEREAS, the Knights of Columbus will practice the principles of their order by conducting their second annual Tootsie Roll Drive to aid Alabama's mentally retarded citizens on Friday, Saturday and Sunday, October 12, 13 and 14, 1979: and

WHEREAS, the Alabama State Council of the Knights of Columbus will be ably assisted in this statewide drive by the Alabama Association for Retarded Citizens and many other organizations and volunteers interested in Alabama's mentally retarded citizens; and

WHEREAS, the funds collected from this Tootsie Roll Drive will be distributed at the state and community levels to assist the organizations and institutions concerned with improving the quality of life of Alabama's mentally retarded citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Knights of Columbus for their efforts on behalf of Alabama's mentally retarded citizens and, in unanimous endorsement of these efforts, do hereby designate October 12, 13, and 14, 1979, as "Knights of Columbus Tootsie Roll Drive Days" in Alabama.

On motion of Rep. Riddick, the rules were suspended and the resolution, H. J. R. 319, was adopted.

Also:

By Rep. Minus:

H. J. R. 320. COMMENDING GENERAL TAYLOR HARDIN UPON HIS RETIREMENT AS COMMISSIONER OF THE ALABAMA DEPARTMENT OF MENTAL HEALTH.

WHEREAS, having learned of the announced retirement of General Taylor Hardin as Director of the Mental Health Department of the State of Alabama, the Legislature of Alabama desires to pay tribute to a distinguished Alabamian: and

WHEREAS, a native of Choctaw County, Alabama, Taylor Hardin was reared in neighboring Sumter County and is a graduate of the University of Alabama with a bachelor's degree in journalism awarded in 1940; he also is a graduate of the University's School of Law having earned his degree in 1942; and

WHEREAS, discharged with the rank of Lieutenant Colonel, following four years of service in the United States Army during World War II, his distinguished military career continued with the Alabama National Guard from which he retired in 1975 with the rank of Commanding General and as the only Alabama Guardsman ever to attain the rank of full General; he also served three terms as president of the Alabama National Guard Association and in 1974, Alabama's Fort Taylor Hardin was named in his honor; and

WHEREAS, Taylor Hardin's state service began in 1946 and, as an assistant attorney general, his responsibilities included chief of the Criminal Division in the Attorney General's Office, legal counsel to the Department of Examiners of Public Accounts and chief of the Legal Division in the Department of Finance; named State Finance Director by Governor George C. Wallace, he served in that capacity until 1974 at which time he was appointed mental health commissioner; and

WHEREAS, under his direction, great strides have been made in the area of mental health with five new facilities opened during his tenure and during which time our state's institution population has declined from some 11,000 to less than 4,000 patients; and

WHEREAS, during Commissioner Hardin's career in public service, he has been honored on numerous occasions both by the federal government and by the State of Alabama, most recently as Alabama Administrator of the Year for 1979 and by election to the Alabama Academy of Honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend General Taylor Hardin on a most distinguished career in public service, and extend our warm best wishes for a long and happy retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to General Hardin that he may be aware of our high commendations for achievement.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 320, was adopted.

Also:

By Reps. McMillan and Penry:

H. R. 321. MOURNING THE DEATH OF FORMER MAYOR J. D. SELLARS OF ROBERTSDALE, ALABAMA.

WHEREAS, the Alabama House of Representatives has grievously noted the death of former Robertsdale Mayor J. D. Sellars in Mobile, Alabama, on July 24, 1979, at the age of 78; and

WHEREAS, Josh Sellars, a native of Opp in Covington County, Alabama, was a long-time resident of Robertsdale who served in mayoral capacity from October, 1948, until September, 1976, during a 28-year period of tremendous growth and progress for the City of Robertsdale; under his leadership, assets increased from \$76,000 to more than \$1 million with the city owning all its service facilities; and

WHEREAS, during his tenure, Mayor Sellars served as vice chairman of the South Alabama Regional Planning Commission, as president of the Alabama League of Municipalities and was a member of the Alabama Water Improvement Commission for ten years representing all cities and towns in Alabama on that board; and

WHEREAS, also a Robertsdale grocer for a number of years, Josh Sellars further was president of the South Baldwin Industrial Board, a charter member and past president of the Robertsdale Rotary Club, the first president of the Central Baldwin Little League, manager of the Cattle and Fair Association for nearly two decades and was an organizer of the Baldwin Mayors' Association in 1960, serving as president for three terms; and

WHEREAS, Josh Sellars was a prominent and outstanding member of his community who, through years of dedicated service, contributed greatly to the betterment and well-being of all its citizens; beloved of family and friends, he is sorely missed by all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we are deeply saddened by the death of Mayor Josh Sellars of Robertsedale and extend our most heartfelt sympathy to all members of his family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Mrs. Hazel Harrison Sellars, to their son James, and to their daughters, Mrs. Faye Boster and Mrs. Cathryn Canton, that they may know of our shared sorrow in their great loss.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. R. 321, was adopted.

#### MESSAGE FROM THE SENATE

Mr. Speaker;

The Senate had amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 122. To establish and provide for the Forestry Study Committee; and to make an appropriation from the general fund to implement the provisions hereof.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. McMillan, the House concurred in and adopted the Senate amendment to the bill, H. 122, said Senate amendment being as follows:

Amend House Bill 122, page 1, line 28 by inserting after the word "Secretary" the following words:

"and the Alabama Cooperative Extension Service Extension Forester shall be a member".

And further amend on line 28, delete the word "eight" and insert in lieu thereof the word "seven".

Yeas 48; Nays 1.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Clark, Coburn, Cosby, Crow, Dial, Edwards, Gafford, Goodwin, Hammett, Harper (O), Laird, Langford, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Penry, Reed, Riddick, Shoemaker, Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams and Willis.

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*Nay:* Rep. Rains.

—1

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.



The Clerk reported that there was a quorum present.

And the bill, H. 122 as thus amended, was again read at length and passed.

Yeas 47; Nays 0.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark, Cobb, Cosby, Crow, Dial, Edwards, Ford, Gafford, Goodwin, Grouby, Hammett, Harper (O), Hilliard, Langford, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Owens, Penry, Ray, Reed, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Warren, Whatley, Willis and Zoghby.

—47

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 580. To provide up to a 7% cost-of-living increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to identify the funds from which said cost-of-living increase and other fringe benefits shall be paid and to provide a procedure for determining availability and paying out of such funds. Also additional funds to Athens State College and the universities.

And said Bill, H. B. 580, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE.  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 759. To provide that any property owner shall have the authority to clean or dredge a stream or creek running through or onto his property.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Manley, the House concurred in and adopted the Senate amendment to the bill, H. 759, said Senate amendment being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide that any property owner shall have the authority, within certain limitations, to clean or dredge a stream or creek running through or onto his property.

Be It Enacted by the Legislature of Alabama:

Section 1. Any law, or any rule or regulation promulgated by a state agency, to the contrary notwithstanding, any property owner shall have the authority to clean out or dredge a creek or stream running through his property. However, such person shall only be authorized to maintain any stream or creek which runs through or onto his property and no other. Provided, further, that such cleaning or dredging shall not adversely affect the rights of property owners either upstream or downstream from the site of such cleaning or dredging work, nor shall it change the natural course of said stream.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 56; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Biddle, Blake, Boles, Buskey, Cabaniss, Campbell, Carothers, Carter, Clark, Cobb, Cosby, Crow, Daniels, Edwards, Ford, Gafford, Grimsley, Grouby, Hammett, Harper (O), Hilliard, Johnson (R. G.), Johnson (Roy), Kennedy (Y), Langford, Lewis, McKee, McMillan, Manley, Mitchell, Moore, Olive, Owens, Pegues, Penry, Ray, Reed, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Stewart, Trammell, Turner, Venable, Waggoner, Whatley, Williams, Willis and Zoghby.

—56

And the bill:

H. 759. To provide that any property owner shall have the authority, within certain limitations, to clean or dredge a stream or creek running through or onto his property.

As thus amended, was again read at length and passed.

Yeas 55; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark, Cobb, Cooley, Cosby, Daniels, Dixon, Edwards, Ford, Gafford, Greer, Grouby, Hammett, Harper (O), Hilliard, Johnson (R. G.), Johnson (Roy), Laird, Langford, McKee, McMillan, Manley, Mitchell, Moore, Olive, Owens, Pegues, Penry, Ray, Reed, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turner, Venable, Waggoner, Williams, Willis and Zoghby.

—55

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 567. To amend § 28-3-112, Code of Alabama 1975, so that the 3% tax levied therein on manufacturers, distillers, producers or distributors of liquors doing business with the Alabama Alcoholic Beverage Control Board is repealed and to amend § 28-3-114, Code of Alabama 1975 to repeal the distribution of the proceeds of the said 3% tax and to make provisions for the distribution of filing fees and to increase said fees to \$500.00.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Owens, the House concurred in and adopted the Senate amendment to the bill, H. 567, said Senate amendment being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend §28-3-112, Code of Alabama 1975, so that the 3% tax levied therein on manufacturers, distillers, producers or distributors of liquors doing business with the Alabama Alcoholic Beverage Control Board is repealed and to amend §28-3-114, Code of Alabama 1975, to repeal the distribution of the proceeds of the said 3% tax and to make provisions for the distribution of filing fees and to increase said fees to \$500.00.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That §28-3-112, Code of Alabama 1975, be and the same is hereby amended to read as follows:

§28-3-112. Filing of application, and statement and bond with commissioner of revenue by manufacturer, distiller, producer, etc.; payment of filing fee and license tax; fees and taxes imposed by section cumulative.

(a) Every manufacturer, distiller, producer or distributor of alcoholic liquors desiring to engage in business in this state or to do any business with the state or the Alabama alcoholic beverage control board or its successor in function shall file with the commissioner of the state department of revenue within the first 60 days of each calendar year a statement showing the total amount of its sales to the state or board during the preceding year ending December 31. The statement shall be verified by the affidavit of an authorized agent having knowledge of the facts and shall be accompanied by payment of a filing fee in the amount of \$250.00 \$500.00. and an additional fee as a privilege tax or license in an amount equal to three percent of its total gross sales of alcoholic liquors to the state or board, whether made in the state or elsewhere, during the preceding calendar year,. If a manufacturer, distiller-producer, or distributor of alcoholic liquors who applies for a license has made no sales to the state or board during the preceding year, he shall pay a filing fee of \$250.00 and, by March 1 of the succeeding year, remit with the statement to the commissioner of revenue as required by this section the amount of taxes due on the basis of sales made during the remainder of the

calendar year in which he first applied for a license, provided, that the commission of revenue shall require the applicant to file with his original application a bond in the total sum of not less than \$1,000.00 nor more than \$10,000.00 conditioned upon the payment of the license taxes to become due by the applicant. If a manufacturer, distiller, producer or distributor of liquor who applies for a license has made no sales to the state or board during the preceding year, he shall pay a filing fee of \$500.00 and shall file a statement verified by the affidavit of an authorized agent having knowledge of the fact that no sales were made for said preceding year. Upon the payment of the filing fee and the filing of the accompanying statement of sales, the commissioner of revenue shall issue a license to said applicant.

(b) The fees and taxes imposed by subsection (a) of this section are in addition to the permit fee required by subdivision (7) of subsection (a) of section 28-3-43 and all other permits, licenses, fees or taxes imposed by law.

(c) The commission of revenue shall not issue a license under subsection (a) of this section to any applicant until such time as said applicant has paid such sum of money as is due to be paid by said applicant to the commission of revenue for a privilege tax or license fee in accordance with the provisions of §28-3-112, Code of Alabama 1975, for the calendar year 1979 or any preceding year in which said privilege tax or license fee was applicable.

SECTION 2. That §28-3-114, Code of Alabama 1975, be and the same is hereby amended to read as follows:

§28-3-114. Disposition of filing fees and license taxes.

The revenue derived from filing fees paid under section 28-3-112 shall be paid into the state treasury to the credit of the beer tax and license fund of the Alabama alcoholic beverage control board. The revenue derived from the license taxes imposed by section 28-3-112 shall be paid into the state treasury and shall be distributed as follows: One half shall be credited to the state public welfare trust fund and shall be used for general welfare purposes and the remainder of such proceeds shall be set aside in the special mental health fund and shall be used only for mental health purposes, including the prevention of mental illness, the care and treatment of the mentally ill and the mentally deficient, the acquisition, equipment, operation and maintenance of facilities for mental health purposes, the establishment and operation of regional and community mental health clinics, the training of mental health personnel and the provision of drugs for medically indigent, nonhospitalized mental patients.

As used in this section, the phrases "general welfare purposes" means (1) The administration of public assistance as set out in sections 38-2-5 and 38-4-1;

(2) Services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said section 38-4-1;

(3) Services to and on behalf of dependent, neglected or delinquent children; and

(4) Investigative and referral services to and on behalf of needy persons.

SECTION 3. This act shall become effective on midnight, December 31, 1979, upon its passage and approval by the governor, or upon its otherwise becoming law. To further provide for and raise revenue for the State of

Alabama; to levy an additional tax of 3% on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board; to provide for the collection of said tax and the distribution thereof to the State Public Welfare Trust Fund and to the Special Mental Health Fund.

**SECTION 4. Definitions.**—The following words and phrases whenever they appear in this act shall have the meaning ascribed to them in this section.

(a) **BOARD.**—The Alabama Alcoholic Beverage Control Board.

(b) **GENERAL WELFARE PURPOSES.**—(1) the administration of public assistance as set out in sections 38-2-5 and 38-4-1, Code of Alabama, 1975; (2) services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said section 38-4-1; (3) services to and on behalf of dependent, neglected or delinquent children; and (4) investigation and referral services to and on behalf of needy persons.

(c) **SELLING PRICE.**—The total mark up of spirituous or vinous liquors sold by the Board, exclusive of the taxes heretofore levied thereon.

(d) **TABLE WINE.**—Means any vinous liquor containing not more than fourteen percent alcohol by volume.

(e) **WINE RETAILER.**—Means and includes a person, association, or corporation licensed by the Board under the provisions of acts heretofore enacted to engage in the retail sale of table wine to be consumed off the premises and who do not possess a state liquor license.

(f) **WINE WHOLESALE.**—Means and includes any person, association, or corporation licensed by the Board under the provisions of acts heretofore enacted to engage in the sale and distribution of table wine within those certain counties authorized by their licenses at wholesale only, to be sold for export or to licensees within this state authorized by their licenses to sell table wine.

**SECTION 5. Levy and collection.**—In addition to all other taxes of every kind now imposed by law and in addition to any marked-up price authorized or required by law, there is hereby levied and shall be collected a tax at the rate of 3% upon the selling price of all spirituous or vinous liquors sold by the Board.

The board shall have the authority to examine the books and records of any wine wholesaler to determine the accuracy of any return required to be filed with the board.

The markup as currently established by the board on spirituous or vinous liquors shall not be reduced by the board for the purpose of absorbing the tax levied in this subsection, it being the intention of this provision that the said tax shall be passed on to the purchaser.

**SECTION 6. Distribution of proceeds.**—One half of the proceeds derived from the tax shall be deposited in the state treasury to the credit of the public welfare trust fund and shall be used for general welfare purposes and is hereby appropriated therefor. The remainder of such proceeds from the tax levied by this subsection shall be deposited in the state treasury to the credit of a special fund which shall be designated the Special Mental Health Fund and shall be used only for mental health purposes, including the prevention of mental illness, the care and treatment of the mentally ill and the mentally deficient and the acquisition, equipment, operation and maintenance of facilities for mental health purposes.

**SECTION 7. Severability.**—The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain.

**SECTION 8. Effective date.**—This act shall become effective at midnight December 31, 1979, after its passage and approval by the Governor, or its otherwise becoming law.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Biddle, Blake, Boles, Buskey, Cabaniss, Campbell, Carter, Cheatwood, Clark, Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Hammett, Harper (O), Holley, Howard, Johnson (R. G.), Johnson (Roy), Kennedy (Y), Laird, Langford, Lewis, McKee, Manley, Moore, Owens, Pegues, Ray, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

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And the bill, H. 567 as thus amended, was again read at length and passed.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Biddle, Blake, Boles, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Hammett, Harper (O), Harvey, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (Y), Laird, Langford, McKee, McMillan, Manley, Mitchell, Moore, Owens, Penry, Ray, Riddick, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

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#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 987. To amend Section 16-13-144, Code of Alabama 1975 relating to penalties incurred by local boards of education who exceed their budget, so as to exempt said boards during years education money is prorated.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Dial, the House concurred in and adopted the Senate amendment to the bill, H. 987, said Senate amendment being as follows:

Amend H. 987 by inserting in Section 1, page 2, line 9, the following additional sentence:

During years in which proration is declared, local city and county boards of education shall have authority to transfer expenditures between and among line item categories, provided that no funds shall be transferred from salaries to other line item categories.

Yeas 59; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Buskey, Cabaniss, Campbell, Clark, Cobb, Cooley, Cosby, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Howard, Johnson (R. G.), Kelley, Laird, Langford, McKee, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Rains, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Ward, Warren, Williams, Willis and Zoghby.

—59

And the bill, H. 987 as thus amended, was again read at length and passed.

Yeas 64; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Howard, Johnson (R. G.), Kelley, Laird, Langford, McKee, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Rains, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Williams, Willis and Zoghby.

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#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 446. To amend Sections 36-32-1, 36-32-5 and 36-32-7 of the Code of Alabama 1975, relating to the fire fighters' personnel standards and education commission, so as to provide for the inclusion of fire-fighting districts in the classification of fire-fighting agency; to include paid employees of fire-fighting agencies classified as rescue unit personnel and paramedics as well as fire inspectors and investigators in the classification of fire-fighting personnel; to provide for certain exemptions relating to employment; to further prescribe standards for fire-fighting personnel; and to provide for testing and certification of fire-fighting personnel, both paid and volunteer, by the commission.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Harper (T), the House concurred in and adopted the Senate amendment to the bill, H. 446, said Senate amendment being as follows:

Amend House Bill 446 on page 5, line 10, by deleting sub-section (b) in its entirety and inserting in lieu thereof the following:

“(b) The commission may administer tests and certify all levels of firefighting fire protection personnel qualifying under the provisions of this chapter, provided volunteer firefighters and paid firefighters above the recruit level shall be certified at their own discretion.”

Yeas 38; Nays 0.

*Yeas:*

Mr. Speaker, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Cheatwood, Clark, Crow, Daniels, Edwards, Ford, Gafford, Greer, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Holley, Kennedy (C), McMillan, Manley, Mitchell, Moore, Olive, Owens, Penry, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Warren, Williams and Willis.

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## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 446 as thus amended, was again read at length and passed.

Yeas 45; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Cheatwood, Clark, Crow, Daniels, Dial, Drinkard, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Johnson (Roy), McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Penry, Rains, Shoemaker, Smith (J), Stewart, Warren, Williams, Willis and Zoghyby.

—45

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:



H. 17. To further amend Sections 34-7-1, 34-7-4, 34-7-5, 34-7-7, 34-7-11, 34-7-19, 34-7-24, 34-7-40 and 34-7-42 of the Code of Alabama 1975, as amended, and specifically to repeal Sections 34-7-22 and 34-7-23 of the Code of Alabama 1975, as amended, which sections relate to the practice of cosmetology, so as to further regulate the profession.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

Rep. Owens offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 17, said Senate amendment being as follows:

Amend House Bill No. 17, Page 6, Line 8, by striking out 1800 after the word than and inserting 1400

And on Line 10 after the word (the) strike out 1800 and insert 1400

Amend House Bill No. 17, Page 7, Line 11, by striking out 16 after the word "least" and inserting 15

And on line 13 striking out "10" after the word "of" and inserting "9"

I move to Amend Bill No. 17, Page 12, Line 15, by striking out one year after the word within and inserting "60 days"

Amend House Bill No. 17, Page 2, Line 22, by inserting a period after the word person, and striking out the rest of section one

Amend House Bill No. 17, Page 2, Line 32, by inserting a period after the word person and striking out the words, or who applies artificial or sculptured nails.

MOTION TO CONCUR IN AND ADOPT TABLED

On substitute motion of Rep. Dial, the motion offered by Rep. Owens that the House concur in and adopt the Senate amendment to the bill, H. 17, was tabled.

Yeas 53; Nays 28.

*Yeas:*

Reps.: Adams (C), Albright, Blake, Boles, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark, Cobb, Coburn, Cosby, Crow, Daniels, Dial, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Holley, Howard, Johnson (R. G.), Kennedy (C), Laird, Langford, McKee, Mitchell, Parker, Payne, Rains, Ray, Riddick, Sasser, Shavers, Shoemaker, Smith (C), Stewart, Stout, Trammell, Turnham, Ward, Warren, Whatley, Williams and Willis.

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*Nays:*

Mr. Speaker, Barton, Bowling, Brakefield, Carter, Dixon, Harper (T), Hines, Johnson (Roy), Kelley, McMillan, Manley, Moore, Naramore, Olive, Owens, Pegues, Penry, Reed, Seibels, Smith (J), Smith (M), Starkey, Turner, Venable, Waggoner, Wyatt and Zoghby.

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## MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 58. To confer on any municipality in the state (a) the power to aid, by donation, loan and transfer of property, any public corporation (i) all the directors of which are provided by law to be elected by the governing body of that municipality, or (ii) not less than one-half of the directors of which are provided by law to be elected by the governing body of that municipality and the remaining directors of which are provided by law to be appointed by the Governor, (b) the power to pay, or provide for the payment of, bonds or other securities issued by such a public corporation; and (c) the power to issue securities of such municipality, including securities that are general obligations and securities payable from a limited source, to provide funds for any such donation, loan, transfer, payment, or provision for payment; and to set forth requirements and other provisions with respect to any securities issued by a municipality for such purpose or purposes, including limitations as to the final maturity thereof and provisions as to the sources of the payment thereof, the pledges that may be made therefor, use of the proceeds therefrom, and related matters.

Also:

S. 88. To amend Section 5-1-17 of the Code of Alabama 1975 relating to special certificates of deposit so as to prescribe certain procedures relating to the maturity of such certificates.

Also:

S. 120. To further regulate night hunting and taking of raccoons or opossums so as to permit the use of dogs, a light and a 22-caliber rimfire rifle using short rifle ammunition or a shotgun using No. 6 shot or greater.

Also:

S. 123. To amend Section 36-25-1 of the Code of Alabama 1975, so as to exclude state soil and water conservation district supervisors from the provisions of the State Ethics Law.

Also:

S. 157. To create a fund known as the "Cost of Evidence Fund" in the amount of fifty thousand dollars to be used by the Alabama Alcoholic Beverage Control Board for the procurement of evidence to aid in the criminal enforcement of the drug and narcotic laws of this State. Monies to be expended for this fund shall be paid from the funds appropriated to the Law Enforcement Division of the Alabama Alcoholic Beverage Control Board for "other expenses."

Also:

S. 164. To amend Section 33-5-10 of the Code of Alabama 1975, relating to certificates of boat registration, so as to require certain officials in the state to issue annual certificates of registration for boats.

Also:

S. 166. To authorize the State Forestry Commission to prepay employees certain necessary travel expenses while they are on official State business outside the State of Alabama.

Also:

S. 169. Relating to the appointment of a curator of the property of persons residing in this state who shall become physically incapacitated, feeble-minded or epileptic, or so mentally or physically defective by reason of age, sickness, the use of drugs, excessive use of alcohol or other causes, and authorizing such curator to take charge of, manage and conserve the property of such person and relating to the effect of the appointment of a curator as to any such person.

Also:

S. 187. To amend Section 36-7-21, Code of Alabama 1975, which provides for authorization of out-of-state travel, so as to provide further for said authorization.

Also:

S. 221. To authorize the Pesticide Residue Laboratory heretofore established by the Department of Agriculture and Industries at Auburn University under authority of Title 2, §§2-27-30, 2-27-31 and 2-27-32 of the Code of Alabama of 1975 to conduct analytical work for harmful drug residues as may be found in raw or processed agricultural and other food products, fish, game and other wildlife for the protection of the public health, aid in developing and expanding markets for agricultural products and for the protection of fish and wildlife.

Also:

S. 231. To amend Section 3-1-12 of the Code of Alabama 1975 providing for the offense of cruelty to animals so as to include the abandonment of an animal within such offense and provide penalties therefor.

Also:

S. 288. To amend Section 41-15-10, Code of Alabama 1975, so as to authorize the finance director to invest state insurance funds in the same types of securities as the employees' retirement system may invest said system's funds.

Also:

S. 349. To permit business and nonprofit corporations to give, pay, expend or contribute money, or services or anything of value for the purposes of establishing, administering or soliciting voluntary contributions to a separate, segregated fund to be utilized for political purposes including aiding or promoting the nomination or election of any person who is or becomes a candidate for political or party office and aiding or promoting the interest and success, or defeat of any political party or proposition; to regulate the solicitation of contributions to such separate, segregated funds; and to amend Title 17, Section 17-22-3, entitled "Corrupt practices enumerated generally" and Title 10, Section 10-2-168, entitled "Giving aid or contributions to political parties or candidates, etc.", Code of Alabama (1975) to provide that it shall not be unlawful for any corporation to expend or contribute money or services or anything of value for the purposes of establishing, administering, or soliciting voluntary contributions to a separate, segregated fund established and administered pursuant to the provisions of this act.

Also:

S. 359. Requiring insurers to furnish to certain fire officials certain information relating to their investigations of certain types of property fire losses; to prescribe evidentiary rules relating to the use of such information and to prescribe penalty for violation.

Also:

S. 386. To prohibit the expenditure of state funds for the purpose of erecting or maintaining signs designating roads, bridges or buildings in honor or in memory of any individual.

Also:

S. 437 to amend Section 25-2-12, Code of Alabama, 1975, as last amended, which relates to the Board of Appeals for the State of Alabama, Department of Industrial Relations.

Also:

S. 461. To provide that it shall be a nuisance and unlawful for anyone to willfully throw or cast artificial lights or rays of artificial light from any motor vehicle in any field, or other real property where a residence or out building, other structure or livestock exists with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and to provide for penalties.

Also:

S. 501. To amend Section 38-2-12, Code of Alabama 1975, relating to the authority of the Commissioner of the State Department of Pensions and Security to destroy certain obsolete records, so as to reduce the retention requirement on certain case record material from ten to five years.

Also:

S. 582. To establish a program authorizing subsidies to make it possible for children in special circumstances such as with medical needs, disabilities or in long term foster care to be adopted.

Also:

S. J. R. 151. COMMENDING THE STUDENTS OF GRISSOM HIGH SCHOOL, HUNTSVILLE, ALABAMA, ON THE ESTABLISHMENT OF AN ANNUAL "HONOR AMERICA DAY."

Also:

S. J. R. 153. EXPRESSING APPRECIATION TO THE MOBILE HOUSE AND SENATE DELEGATION AND TO THE ALABAMA SHERIFFS ASSOCIATION.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

H. 194

The bill, H. 194, having been received from the Governor's office after the expiration of time allowed by the Constitution to receive bills with Executive amendment, was delivered to the Secretary of State, without the Executive amendment, for an Act number, having become law without the signature of the Governor.

H. 17 RESUMED

Rep. Dial offered the motion that the House non-concur in the Senate amendment to the bill, H. 17, and request a Committee on Conference.

SUBSTITUTE MOTION OFFERED

Rep. Naramore offered the substitute motion that the House non-concur in the Senate amendment to the bill, H. 17.

MOTION TO TABLE LOST

The motion offered by Rep. Owens to table the substitute motion offered by Rep. Naramore, was lost.

Yeas 34; Nays 48.

*Yeas:*

Mr. Speaker, Barton, Bowling, Cabaniss, Carter, Clark, Cobb, Cooley, Cosby, Daniels, Dial, Dixon, Edwards, Gilmer, Harper (T), Hines, Holley, Kelley, McKee, McMillan, Manley, Moore, Olive, Owens, Pegues, Penry, Rains, Reed, Sasser, Smith (J), Smith (M), Turner, Wyatt and Zoghby.

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*Nays:*

Reps.: Adams (C), Albright, Amari, Bennett, Blake, Boles, Brakefield, Buskey, Campbell, Carothers, Cates, Cheatwood, Coburn, Crow, Ford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Howard, Johnson (R. G.), Kennedy (C), Laird, Langford, Lewis, Mitchell, Naramore, Parker, Payne, Ray, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Williams and Willis.

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SUBSTITUTE MOTION ADOPTED

The question was then on the substitute motion offered by Rep. Naramore that the House non-concur in the Senate amendment to the bill, H. 17, and the substitute motion was adopted.

Yeas 45; Nays 39.

*Yeas:*

Reps.: Adams (C), Amari, Bennett, Blake, Boles, Brakefield, Buskey, Campbell, Carothers, Cates, Cheatwood, Cobb, Coburn, Ford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Howard, Kennedy (C), Laird, Langford, Lewis, McKee, Mitchell, Naramore, Parker, Payne, Ray, Riddick, Seibels, Shavers, Smith (C), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Warren, Williams and Willis.

—45

*Nays:*

Mr. Speaker, Barton, Bowling, Cabaniss, Carter, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gilmer, Gregg, Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, McMillan, Manley, Moore, Olive, Owens, Pegues, Penry, Reed, Roberts, Sandusky, Sasser, Shoemaker, Smith (J), Smith (M), Turner, Wyatt and Zoghby.

—39

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 418. To amend Section 12-17-144, Code of Alabama 1975, which relates to prior service credit for benefits of supernumerary circuit clerks and registers, so as to allow circuit clerks or registers prior service credit for time spent as probate Judge

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Kelley, the House non-concurred in the Senate amendment to the bill, H. 418, and requested a Committee on Conference on the disagreement of the two Houses on the Senate amendment, said Senate amendment being as follows:

Amend H. B. 418 by striking Section 2 and renumbering Sct 3 Section 0.2

Yeas 68; Nays 0.

*Yeas:*

Mr. Speaker, Amari, Barton, Blake, Bowling, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, McKee, McMillan, Minus, Mitchell, Moore, Olive, Parker, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—68

#### COMMITTEE APPOINTED

The Speaker appointed as the committee on the part of the House, Reps. Kelley, Dial and Shoemaker.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 453. To amend further Section 9-17-12, Code of Ala. 1975, so as to allow spacing in the case of irregular sections which exceed 640 acres and so as to allow the Board to designate drilling or production units of up to 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas plus 10 percent tolerance so as to allow for irregular sections, and to exceed these limitations, after notice and hearing, when it is affirmatively demonstrated that one well can drain the proposed unit and that a larger unit is justified because of technical, economic, environmental, or safety considerations, or other reasons deemed valid by the Board. And to further allow the Board, after notice and hearing, to establish units in oil and gas pools not to exceed 30 percent greater than 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas, provided such action is justified by sufficient technical data indicating that such acreage or lands in excess of the aforesaid limitations is being drained or is in imminent danger of being drained and that the owners of interests in such said excess acreage or land cannot otherwise receive their just and equitable share of production from the pool, providing for the payment or recoupment of drilling and production costs; and excluding any spacing limitation with regard to offshore wells, except as may be established by said Board.

MCDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Parker, the House concurred in and adopted the Senate amendment to the bill, H. 453, said Senate amendment being as follows:

Amend House Bill 453, page 3, line 17, after the word "pool" as follows:

capable of producing oil deemed by the Board to be an oil reservoir

On page 3, line 22, after the word "pool", amend as follows:

capable of producing gas deemed by the Board to be a gas reservoir

Yeas 64; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Blake, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Johnson (R. G.), Kelley, Kennedy (C), Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Parker, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—64

And the bill, H. 453 as thus amended, was again read at length and passed.

Yeas 54; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Blake, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark, Cooley, Cosby, Crow, Dial, Edwards, Ford,

Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Johnson (R. G.), Kennedy (C), Laird, Langford, McKee, McMillan, Minus, Mitchell, Moore, Olive, Parker, Pegues, Rains, Ray, Reed, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Trammell, Turner, Venable, Warren, Williams, Willis and Wyatt.

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## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 378. To amend the Code of Alabama 1975, § 9-11-53, subsection (a) so as to increase the cost of resident fishing licenses, and restricting the hook and line license to the county in which the licensee resides.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Biddle, the House non-concurred in the Senate amendment to the bill, H. 378, and requested a Committee on Conference, said Senate amendment being as follows:

amend Committee Substitute for House Bill No. 378, page 1, line 31, by inserting after the word "resident" the following:

, in which freshwater fish appear by angling with a hook and line,

Further amend Committee Substitute for House Bill No. 378, page 2, line 6, by adding the following sentence:

Ten (10 percent of the revenue generated by the licenses provided for herein shall be earmarked for use by the Marine Resources Division of the Department of Conservation and Natural Resources for the purpose of research, management and development of Sports Fisheries.

A BILL  
TO BE ENTITLED  
AN ACT

To amend the Code of Alabama 1975, § 9-11-53, subsection (a) so as to increase the cost of resident fishing licenses, and restricting the hook and line license to the county in which the licensee resides.

Be It Enacted by the Legislature of Alabama:

Section 1. The Code of Alabama 1975, § 9-11-53, subsection (a) is hereby amended to read as follows:

"(a) Any person who has been a bona fide resident of this state for a period of not less than 90 days next preceding and who is between the ages of 16 and 65 shall not take, catch, kill or attempt to take, catch or kill any fish in any of the waters of this state in which freshwater fish appear by angling with rod and reel or by use of any artificial bait, fly or lure without first procuring an annual state fishing license and paying therefor the sum of \$3.00 \$6.00. No resident of this state between the ages of 16 and 65 shall take,



catch, kill or attempt to take, catch or kill any fish in any waters of this state his or her county of residence without first procuring an annual state county fishing license and paying therefor the sum of \$1.00. Any resident angling with hook and line in such waters of this state outside his or her county of residence must procure the annual state fishing license. Any resident who procures a rod and reel license, however, shall be entitled to fish with a hook and line without the necessity of procuring an additional license. These licenses shall be issued in the manner and under the conditions, limitations and exemptions as expressly provided for in this section."

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective on October 1, 1979, upon approval by the Governor or upon otherwise becoming a law.

Yeas 69; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Cates, Cheatwood, Clark, Cobb, Coburn, Crow, Daniels, Dial, Drinkard, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Kennedy (C), Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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#### COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House Reps. Carter, Warren and McMillan.

#### REPORT FILED

Pursuant to House Joint Resolution 126, Act No. 84, of the Regular Session of the Legislature of 1976, Rep. Brooks Hines, Chairman, submitted the Report of the Board of Corrections Management and Performance Evaluation Committee, and the report was ordered filed.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 264. To amend Alabama Code 1975, Section 5-5-1, so as to provide that where an emergency exists which might cause closing and liquidating, the Superintendent of Banks may waive the three-week publication requirement in order to permit formation of a new state bank insured by Federal Deposit Insurance Corporation which is participating in a purchase and assumption or other transaction under federal banking laws, such publication to occur after the new bank commences business; and to eliminate the requirement of the publication of the list of stockholders.

McDOWELL LEE.  
Secretary.

## SENATE MESSAGE

On motion of Rep. Cates, the House concurred in and adopted the Senate amendment to the bill, H. 264, said Senate amendment being as follows:

Amend House Bill 264 on Page 2, Line 7, after the word "incorporators," by adding the words "and Stockholders."

Amend House Bill 264 on Page 2, Line 17, by removing the quotation marks at the end of the word "business" and inserting the following additional sentences:

"Such publication shall commence within five days of the date the assuming corporation begins business and shall include the requirements stated elsewhere in this section, however, in lieu of the names of all shareholders of the assuming corporation, the names of the executive officers and ten percent (10%) shareholders of the assuming corporation shall be substituted."

Yeas 65; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Crow, Daniels, Edwards, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, McKee, Manley, Mitchell, Moore, Olive, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Warren, Williams, Willis, Wyatt and Zoghby.

—65

And the bill, H. 264 as thus amended, was again read at length and passed.

Yeas 64; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Crow, Daniels, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kennedy (C), Laird, Langford, McKee, Manley, Mitchell, Moore, Olive, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Warren, Williams, Wyatt and Zoghby.

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REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 122. To establish and provide for the Forestry Study Committee; and to make an appropriation from the general fund to implement the provisions hereof.

Also:

H. 580. To provide up to a 7% cost-of-living increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to identify the funds from which said cost-of-living increase and other fringe benefits shall be paid and to provide a procedure for determining availability and paying out of such funds. Also additional funds to Athens State College and the universities.

Also:

H. 759. To provide that any property owner shall have the authority, within certain limitations, to clean or dredge a stream or creek running through or onto his property.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

H. J. R. 315. Establishing Joint Interim Committee on Electricity.

On motion of Rep. Kelley, the resolution, H. J. R. 315, was adopted.

Also:

S. J. R. 103. TO ESTABLISH AN INTERIM COMMITTEE TO STUDY THE PURCHASE OF THE WEST END OF DAUPHIN ISLAND AS A STATE PARK.

On motion of Rep. Zoghby, the resolution, S. J. R. 103, was adopted.

#### RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 322. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business July 30, 1979, taking precedence over any other business of the House.

Report of Standing Committees

Uncontested Local Bills

Unfinished Business

Bills Carried Over

By Mr. Kirkland:

S. 165. p. 1 Game bird or game animal, fine for selling, etc.

By Mr. Callahan:

S. 369. p. 10 Banking corp. mergers

By Mr. Pearson:

S. 389. p. 26 UAB, conditional app., capital outlay

By Mr. Goodwin:

S. 590. p. 34 Ala. Unemployment Compensation Act

By Mr. Cook:

S. 477. p. 20 Motor vehicles, length restrictions

Mr. Pearson:

S. 442. p. 28 Employer's retirement system

By Mr. deGraffenried:

S. 550. p. 5 Motor vehicle size, restrictions

By Mr. Vacca:

S. 497. p. 30 Conditional app., Youth Services, Roebuck

By Mr. Higginbotham:

S. 244. p. 5 Water, sewer, solid waste, fire districts

By Mr. deGraffenried:

S. 64. p. 5 Corporations

By Mr. Little:

S. 395. p. 18 Adoption subsidies

By Mr. Little:

S. 394. p. 27 Child support programs

By Mr. Teague:

S. 77. p. 21 Legislative employees, increase number

By Mr. Vacca:

S. 10. p. 1 Rules of the Road Act

By Mr. Teague:

S. 193. p. 23 Legislative Committee on Public Accounts

By Mr. Mitchem:

S. 381. p. 25. District Court Judges, Marshall Co.

By Mr. Mitchem:

S. 589. p. 34 State prisoners, conditional app.

By Mr. Little:

S. 202. p. 23 Fifth Judicial Circuit, 3 circuit judges

By Mr. Harrison:

S. 20. p. 39 Schools and courses, regulated

By Mr. Vacca:

S. 2. p. 2 Fleet owners, registration & licensing

By Mr. Little:

S. 87. p. 16 Minimum Wage

By Mr. Teague:

S. 490. p. 40 Co. Commissions, composition and election

By Mr. St. John:

S. 30. p. 6 Legislation pertaining to judiciary

By Mr. Callahan:

S. 521. p. 32 Ala. Health Care responsibility act

By Mr. Glass:

S. 596. p. 36 Medicaid Program, app.

Mr. Proctor:

S. 358. p. 25 St. Bd. Social Work Examiners, app.

By Mr. Callahan:

S. 368. p. 8 School construction, partial payments

By Mr. Keener:

S. 468. p. 18 Civil actions, date accrue

By Mr. Mitchem:

S. 46. p. 11 Public warehouses, permit fees

By Mr. Barron:

S. 581. p. 38 Salary or retirement allowance, transfer to bank

By Mr. deGraffenried:

S. 338. p. 13 Oil, redefinition, pool rather than well

By Mr. deGraffenried:

S. 337. p. 13 Unitization regard to oil and gas drilling

By Mr. Kirkland:

S. 245. p. 14 Forestry Comm., law enforcement officers

By Mr. Kirkland:

S. 178. p. 14 Forestry Comm., law enforcement officers

Mr. Callahan:

S. 248. p. 17 Amend or alter charters, Corp.

By Mr. Smith:

S. 558. p. 41 Class III municipalities public trans.

By Mr. Callahan:

S. 150. p. 22 Probate Judges minimum salary

By Mr. Hall:

S. 473. p. 29 Student Assistance Program

By Mr. Smith:

S. 630. p. 36 TVA

By Mr. deGraffenried:

S. 64. p. 5 Corporations

By Mr. Mitchem:

S. 485. p. 13 Livestock Markets

By Mr. Mitchem:

S. 486. p. 12 Livestock dealers

By Mr. Figures:

S. 139. p. 3 Trademark bill

By Mr. Bailey:

S. 328. p. 17 Nuclear employees, inquiries

By Mr. St. John:

S. 399. p. 27 Judicial Retirement System

Mr. St. John:

S. 226. p. 24 Employees' Retirement System

By Mr. S. John:

S. 399. p. 27 Judicial Retirement System

By Mr. Smith:

S. 173. p. 2 Southern Growth Policies

By Mr. Parsons:

S. 233. p. 4 Classified employees, transfer

By Mr. Higginbotham:

S. 244. p. 5 Water, sewer, fire protection districts

By Mr. Mitchem:

S. 219. p. 12 Dept. of Agriculture, app.

By Mr. Miller:

S. 577. p. 39 Co. & City Bds. of Ed., authorized, borrow money

By Mr. Kirkland:

S. 580. p. 33 Motor fuels, adj. Highway Dept. Contractors

By Mr. deGraffenried:

S. 509. p. 31 District Attys, appropriation

By Mr. Barron:

S. 107. p. 21 Conservation law enforcement officers

On motion of Rep. Biddle, the resolution, H. R. 322, was adopted.

### SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

S. 571. Relating to Autauga County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

Was read a third time at length and passed.

Yeas 46; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Bennett, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooley, Crow, Daniels, Dixon, Edwards, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Laird, Langford, McKee, McMillan, Manley, Mitchell, Owens, Pegues, Penry, Rains, Ray, Roberts, Shoemaker, Starkey, Stewart, Ward, Williams, Willis and Zoghby.

—46

*Nay:* Rep. Cosby.

—1

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 599. To set the compensation of the tax collector of Etowah County.

Was read a third time at length and passed.

Yeas 48; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bennett, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Crow, Daniels, Dial, Drinkard, Ford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Laird, Langford, Letson, McMillan, Manley, Mitchell, Olive, Parker, Pegues, Penry, Rains, Ray, Shoemaker, Smith (C), Starkey, Stewart, Waggoner, Ward, Warren, Willis and Zoghby.

—48

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 618. To amend Act No. 366, S. 472, 1978 Regular Session (Acts 1978, p. 309) entitled "An Act Relating to Limestone County; providing for the compensation and expense allowance of certain county officers," so as to provide further for said compensation and to give this act retroactive effect.

Was read a third time at length and passed.

Yeas 58; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Crow, Daniels, Drinkard, Ford, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Horn, Howard, Laird, Langford, Letson, McKee, McMillan, Manley, Owens, Parker, Pegues, Penry, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Turner, Venable, Waggoner, Ward, Warren, Willis, Wyatt and Zoghby.

—58

And the bill:

S. 619. Relating to Limestone County; to provide an additional expense allowance for certain elected county officers.

Was read a third time at length and passed.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carter, Cheatwood, Clark, Crow,



Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Laird, Langford, Letson, McKee, McMillan, Manley, Mitchell, Olive, Parker, Pegues, Penry, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Cooley, the rules were suspended in order to take up out of order the bill, S. 226.

Yeas 48; Nays 0.

*Yeas:*

Reps.: Barton, Bennett, Blake, Boles, Bowling, Brakefield, Campbell, Carothers, Cates, Cheatwood, Clark, Cooley, Crow, Goodwin, Grimsley, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Kelley, Langford, Letson, McKee, Manley, Mitchell, Moore, Olive, Parker, Pegues, Ray, Reed, Seibels, Shavers, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Warren, Whatley, Willis, Wyatt and Zoghby.

—48

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### S. 226 TEMPORARILY POSTPONED

On motion of Rep. Manley, the bill, S. 226, was temporarily postponed.

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Riddick, the rules were suspended in order to take up out of order the bill, S. 558.

Yeas 60; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark, Cobb, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Harper (O), Harper (T), Hines, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy (C), Laird, Langford, Letson, McKee, McMillan, Moore, Naramore, Olive, Penry, Rains, Reed, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stout, Turner, Waggoner, Whatley, Williams, Willis, Wyatt, Zoghby.

—60

And the bill:

S. 558. To authorize and make provisions for the incorporation in any Class III municipality of an Authority as a public corporation for the purpose

of providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any such Authority for certain purposes at any time, upon the authorization of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment, supplies or other personal property involving less than \$2,000 without compliance with the provisions of Act No. 217 (1967 Special Session), as amended, that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended, or of any civil service or merit system law that might otherwise be applicable; to make provisions respecting the establishment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of either or both of the following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in such county and (b) the revenues of any one or more of the transit systems of such Authority, without regard to the system or systems with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any transit system, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit, of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes,

levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such authority to be made; to permit membership in labor organizations by employees of any such Authority; to provide that no employee of any such Authority shall be subject to the provisions of any civil service system or the rules or regulations of any personnel board that might otherwise be applicable; and to provide for the dissolution of any such Authority and the disposition of its property.

Was taken up.

### SUBSTITUTE OFFERED

Rep. Riddick offered the following substitute to the bill, S. 558:

#### A BILL TO BE ENTITLED AN ACT

To authorize and make provisions for the incorporation in any Class III municipality of an Authority as a public corporation for the purpose of providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any such Authority for certain purposes at any time, upon the authorization of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment, supplies or other personal property involving less than \$2,000 without compliance with the provisions of Act No. 217 (1967 Special Session), as amended, that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended; to make provisions respecting the establishment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority, with prior approval of the municipal governing body, for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of the following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in such county and (b) the revenues of any one or more of the transit systems of such Authority, without regard to the system or systems with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts

binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any transit system, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such authority to be made; and to provide for the dissolution of any such Authority and the disposition of its property.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature has found and determined and does hereby declare that in Class III municipalities the following conditions exist: (a) that the constant growth of private vehicular traffic in such counties in which such municipalities are located is placing excessive burdens upon the road systems and parking facilities, especially in commercial and industrial districts and in areas of high population density; (b) that the continued economic growth of such municipalities and the general health and welfare of the citizens of such counties require the availability of public facilities for mass transportation; and (c) that it is necessary and desirable and in the best interests of the citizens of such municipalities that provisions be made for the establishment in such counties of public corporations to provide public transportation service. The legislature does hereby further declare its intention, by the passage of this Act, to promote public mass transportation in such municipalities through the authorization of public corporations, as agencies of the State of Alabama, with the powers conferred by this Act.

Section 2. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

"Applicant" means a natural person who files a written application with the governing body of any municipality to which this Act applies all in accordance with the provisions of Section 4 hereof.

"Authority" means a public corporation organized pursuant to the provisions of this Act.

"Authorizing Municipality" means any municipality the governing body of which shall have adopted an authorizing resolution.

"Authorizing resolution" means a resolution, adopted by the governing body of any municipality to which this Act applies all in accordance with the provisions of Section 4 hereof, that authorizes the incorporation of an Authority.

"Board" means the board of directors of an Authority.

"Bonds" means and shall include bonds, notes and certificates representing an obligation to pay money.

"Chief executive officer" means, with respect to any municipality, the mayor, president of the board of commissioners or other chief executive officer of such municipality.

"County" means any county in the state.

"Director" means a member of the board of directors of the Authority.

"Governing body" means court of county commissioners, board of revenue, or other like governing body with respect to a municipality, its city or town council, board of commissioners, or other like governing body.

"Incorporators" means the persons forming a public corporation organized pursuant to the provisions of this Act.

"Municipality" means an incorporated city or town of the state.

"Person", unless limited to a natural person by the context in which it is used, includes a public or private corporation, a municipality, a county, or an agency, department or instrumentality of the state or of a county or municipality.

"Principal office" means the place at which the certificate of incorporation and amendments thereto, the by-laws, and the minutes of proceedings of the board of an Authority are kept.

"Property" means and includes real and personal property, and interests therein.

"Public transportation service" means and includes all service involved in the transportation of passengers for hire by means of street railway, elevated railway, motor vehicles or other means of conveyance generally associated with or developed for mass surface or subsurface transportation of the public, but does not include any service involved in transportation by taxicab, air port limousine or industrial bus.

"Transit system" means and includes land, plants, systems, facilities, buildings, garages, vehicles of all types, rails, lines and any combination of any thereof, used or useful or capable of future use in furnishing public transportation service, and all other property deemed necessary or desirable by an Authority for use in furnishing public transportation service.

"State" means the State of Alabama.

Section 3. The following provisions shall be applied wherever appropriate herein:

"Herein," "hereby," "hereunder," "hereof," and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used.

The definitions set forth in Section 2 hereof shall be deemed to include both singular and plural and to cover all genders.

Section 4. A public corporation may be organized pursuant to the provisions of this Act in any Class III municipality. In order to incorporate such a public corporation, any number of natural persons, not less than three, shall first file a written application with the governing body of the municipality which application shall:

(1) Contain a statement that the Authority proposes to render public transportation service in such county;

(2) State the proposed location of the principal office of the Authority, which shall be within the municipality where such application is filed;

(3) State that each of the applicants is a duly qualified elector of the municipality where such application is filed; and

(4) Request that such governing body adopt a resolution declaring that it is wise, expedient, and necessary that the proposed Authority be formed and authorizing the applicants to proceed to form the proposed Authority by the filing for record of a certificate of incorporation in accordance with the provisions of Section 5 hereof.

Such applications shall be accompanied by such supporting documents or evidence as the applicants may consider appropriate. As promptly as may be practicable after the filing of the application with them in accordance with the provisions of this section, the governing body of the municipality with which the application was filed shall review the contents of the application and shall adopt resolutions either (a) denying the application or (b) declaring that it is wise, expedient, and necessary that the proposed Authority be formed and authorizing the applicants to proceed to form the proposed Authority by the filing for record of a certificate of incorporation in accordance with the provisions of Section 5 hereof, provided, however, that the contents of the certificate of incorporation shall be approved by the municipal governing body. Each governing body with which an application is filed shall also cause a copy of the application to be spread upon or otherwise made a part of the minutes of the meeting of such governing body at which final action upon said application is taken.

Section 5. Within forty (40) days following the adoption of an authorizing resolution by the governing body the applicants shall proceed to incorporate an Authority by filing for record in the office of the Judge of Probate of the county in which the municipality is located, a certificate of incorporation which shall comply in form and substance with the requirement of this section and which shall be in the form and executed in the manner herein provided.

The certificate of incorporation of the Authority shall state:

(1) The names of the persons forming the Authority, and that each of them is a duly qualified elector of the authorizing municipality;

(2) The name of the Authority (which shall be " \_\_\_\_\_ Transit Authority", with the insertion of the name of the authorizing municipality);

(3) The period for the duration of the Authority (if the duration is to be perpetual, subject to the provisions of Section 20 hereof, that fact shall be stated);

(4) The name of the authorizing municipality, together with the date on which the governing bodies thereof adopted authorizing resolutions;

(5) The location of the principal office of the Authority, which shall be in the authorizing municipality;

(6) That the Authority is organized pursuant to the provisions of this Act for the purpose of supplying public transportation service in the authorizing municipality and in the county and in any other municipality in the county in which the authorizing municipality is located and in any other county in the state; and

(7) Any other matter relating to the Authority that the incorporators or the authorizing municipality may choose to insert and that are not inconsistent with this Act or with the laws of the state.

The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgements to deeds. When the certificate of incorporation is filed for record, there shall be attached to it (a) a copy of the application as filed with the governing body of the authorizing municipality in accordance with the provisions of Section 4 hereof, (b) a certified copy of the authorizing resolution adopted by the governing body of the authorizing municipality, and (c) a certificate by the Secretary of State that the name proposed for the Authority is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty. Upon the filing for record of the said certificate of incorporation and the documents required by the preceding sentence to be attached thereto, the Authority shall come into existence and shall constitute a public corporation under the name set forth in said certificate of incorporation. The Judge of Probate shall thereupon send a notice to the Secretary of State that the certificate of incorporation of the Authority has been filed for record.

Section 6. The certificate of incorporation of any Authority incorporated under the provisions of this Act may at any time and from time to time be amended in the manner provided in this section, provided that the contents of any amendment are first approved by the municipal governing body which shall have the authority to recommend requirements with respect to either any amendment or the original certificate of incorporation. The board of directors of the Authority shall first adopt a resolution proposing an amendment to the certificate of incorporation which shall be set forth in full in the said resolution and which amendment may include any matters which might have been included in the original certificate of incorporation.

After the adoption by the board of a resolution proposing an amendment to the certificate of incorporation of the Authority, the chairman of the board or other chief executive officer of the Authority and the secretary of the Authority shall sign and file a written application in the name of and on

behalf of the Authority, under its seal, with the governing body of the authorizing municipality, requesting such governing body to adopt a resolution approving the proposed amendment, and accompanied by a certified copy of the said resolution adopted by the board proposing the said amendment to the certificate of incorporation, together with such documents in support of the application as the said chairman or other chief executive officer may consider appropriate. As promptly as may be practicable after the filing of the said application with the governing body of the authorizing municipality pursuant to the foregoing provisions of this section, such governing body shall review the said application and shall adopt resolutions either denying the said application or authorizing the proposed amendment. Such governing body shall also cause a copy of the said application and all accompanying documents to be spread upon or otherwise made a part of the minutes of the meeting of said governing body at which final action upon said application is taken.

Within forty (40) days following the adoption of a resolution approving the proposed amendment by that governing body the chairman of the board or other chief executive officer of the Authority and the secretary of the Authority shall sign, and file for record in the office of the Judge of Probate of the county in which the municipality is located, a certificate in the name of and in behalf of the Authority, under its seal, reciting the adoption of said resolution by the board and by the governing body of the authorizing municipality and setting forth the said proposed amendment.

Section 7. Each Authority shall be governed by a board of directors. All powers of the Authority shall be exercised by the board or pursuant to its authorization. The board shall consist of six (6) directors. Each director shall be elected by the governing body of the authorizing municipality. The initial term of office of three of the directors elected by the governing body of the authorizing municipality shall begin immediately upon their election and shall end at 12:01 A.M., on the second anniversary date of the filing for record of the certificate of incorporation of the Authority. The initial term of office of the remaining directors elected by the governing body of the municipality shall begin immediately upon their election and shall end at 12:01 A.M., on the fourth anniversary date of such filing. Thereafter, the term of office of each such director shall be six years. If at any time there should be a vacancy on the board, a successor director to serve for the unexpired term applicable to such vacancy shall be elected by the governing body of the authorizing municipality. Each election of a director, whether for a full term or to complete an unexpired term, shall be made not earlier than thirty days prior to the date on which such director is to take office as such. No officer or employee of the state or of any county or municipality shall, during his tenure as such officer, be eligible to serve as a director. Each director must be a duly qualified elector of the authorizing municipality. Directors shall be eligible for re-election. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. If the certificate of incorporation so provides, each director except the chairman of the board shall be compensated in an additional amount not to exceed \$10 per meeting attended but not to exceed \$250 per year. The chairman shall, if said certificate so provides, be compensated in an additional amount not to exceed \$500 per year. Any director of the Authority may be impeached and removed from office in the same manner and on the same grounds provided by Section 175, Constitution of Alabama 1901, and the general laws of the state for impeachment and removal of the officers mentioned in said Section 175.



Section 8. The Authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(1) To have succession by its corporate name for the duration of time (which may be perpetual, subject to the provisions of Section 20 hereof) specified in its certificate of incorporation;

(2) To sue and be sued in its own name in civil suits and actions and to defend suits against it;

(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

(4) To adopt and alter by-laws for the regulation and conduct of its affairs and business;

(5) To acquire, receive and take, by purchase, gift, lease, devise or otherwise, and to hold property of every description, real, personal or mixed, whether located in one or more counties or municipalities and whether located within or outside the authorizing municipality;

(6) To make, enter into, and execute such contracts, agreements, leases and other instruments and to take other actions as may be necessary or convenient to accomplish any purpose for which the Authority was organized or to exercise any power expressly granted hereunder;

(7) To plan, establish, develop, acquire, purchase, lease, construct, reconstruct, enlarge, improve, maintain, equip and operate transit systems, whether located in one or more municipalities within the state, or within the counties in which such municipalities are located; and without any requirement that such transit systems be interconnected or otherwise constitute an integrated operational unit, and to acquire real and personal property, franchises and easements deemed necessary or desirable in connection therewith;

(8) To provide public transportation service within a county in any part thereof, upon such reasonable terms and for such reasonable rates and consideration as the board may prescribe;

(9) To sell and issue bonds of the Authority with prior approval of the municipal governing body in order to provide funds for any corporate function, use or purpose, any such bonds to be payable solely from the sources specified in Section 10 hereof;

(10) To assume obligations secured by a lien on, or payable out of or secured by a pledge of the revenues from, any transit system or any part thereof, that may be acquired by the Authority, any obligation so assumed to be payable by the Authority solely from the sources from which bonds of the Authority may be made payable pursuant to the provisions of Section 10 hereof;

(11) To pledge for payment of any bonds issued or obligations assumed by the Authority any revenues from which those bonds or obligations are made payable as herein provided;

(12) To execute and deliver, in accordance with the provisions of this section and of Sections 10 and 11 hereof, mortgages and deed of trust and trust indentures, or either;

(13) To exercise the power of eminent domain in the manner provided in and subject to the provisions of Sections 18-1-1 through 18-3-21, Code of Alabama 1975, provided however, that this clause shall not be deemed to authorize the Authority to acquire, without the consent of the owner or owners thereof, any transit system from which public transportation service is at the time being furnished;

(14) To expend funds for the purchase or lease of materials, equipment, supplies or other personal property without compliance with the provisions of Sections 41-16-50, 41-16-51, 41-16-53 through 41-16-61 and 41-16-63, Code of Alabama 1975, that might otherwise be applicable, but only where the expenditure involves less than \$2,000;

(15) Without regard to any provisions of Sections 41-16-50, 41-16-51, 41-16-53 through 41-16-61 and 41-16-63, Code of Alabama 1975, at the option of any local civil service system in a Class III municipality, to appoint, employ, contract with, and provide for the compensation of, such officers, employees and agents, including but without limitation to engineers, attorneys, management consultant, and fiscal advisers, as the business of the Authority may require and at its option to provide a system of disability pay, employees insurance, retirement compensation and pensions, or any of them;

(16) To make and enforce reasonable rules and regulations governing the use of any transit system owned or controlled by the Authority;

(17) To provide for such insurance as the board may deem advisable;

(18) To invest any funds of the Authority that the board may determine are not presently needed in the operation of its properties in bonds of the United States, of America, bonds of the state, bonds of any county or municipality, and interest-bearing bank deposits, or any thereof;

(19) To cooperate with the United States of America, any agency or instrumentality thereof, the state, any county, municipality or other political subdivision of the state and any public corporation organized under the laws of the state and to make such contracts with them, or any of them, including agreeing with the terms of any federal statute or regulation as the board may deem advisable to accomplish the purposes for which the Authority was established;

(20) To sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful as a part of any transit system of the Authority;

(21) To sell and convey, with or without valuable consideration, any of its transit systems or any portion of any thereof, to any one or more counties, municipalities, or public corporations organized under the laws of the state, which have the corporate power to operate the system, or portions thereof, so conveyed and the property and income of which are not subject to taxation; provided, that any such sale and conveyance may be made only with the consent of the authorizing municipality, such consent to be evidenced by a resolution adopted by the governing body of such municipality, and (b) only if any such conveyance would not constitute a breach of any then outstanding mortgage and deed of trust, trust indenture, or other agreement to which the Authority is a party;

(22) To enter into a management agreement or agreements with any person for the management by or for the Authority of any transit system upon such terms and conditions as may be mutually agreeable; and

(23) To fix and revise from time to time reasonable rates, fees and other charges for public transportation service furnished or to be furnished by any transit system owned or operated by the Authority, and to collect all charges made by it.

Section 9. Rates, fees and charges for public transportation service rendered by the Authority from any of its transit systems shall be fixed and from time to time revised as at all times to provide funds that, when added to all other revenues (including tax proceeds) anticipated to be received by the Authority, will be at least sufficient (a) to pay the cost of operating, maintaining, repairing, replacing, extending and improving the systems from which such services are rendered; (b) to pay the principal of and the interest on all bonds issued and obligations assumed by the Authority, that are payable out of the revenues derived from operation of those systems, as the said principal and interest become due and payable; (c) to create and maintain such reserve for the foregoing purposes or any of them as may be provided in any mortgage and deed of trust or trust indenture executed by the Authority hereunder or in any resolutions of the board authorizing the issuance of bonds, the assumption of any obligation, or the acquisition of any such system; and (d) to make such annual payments, if any, to the United States of America or any agency or instrumentality thereof, the state, municipalities, counties, departments, authorities, agencies, and political subdivisions of the state and any public corporations organized under the laws of the state as the Authority may have contracted to make.

Section 10. All bonds issued by the Authority shall be signed by the chairman of its board or other chief executive officer and attested by its secretary, and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to the bonds of the Authority shall be signed by the chairman of its board or other chief executive officer; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his manually signing the same, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the chairman of its board or other chief executive officer may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same. Any such bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its board. Bonds of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous. The principal of and interest on any bonds issued or obligations assumed by the Authority may thereafter at any time (whether before, at or after maturity of any such principal and whether at, after or not exceeding six months prior to the maturity of any such interest) and from time to time be refunded by the issuance of refunding bonds of the Authority, which may be sold by the Authority at public or private sale at such price or prices as may be determined by its board to be most advantageous, or which may be exchanged for the bonds or other obligations to be refunded. The Authority may pay all expenses, premiums and commissions which its board may deem necessary and advantageous in connection with any financing done by it. All bonds issued by the Authority shall be construed to be negotiable instruments although payable solely from a specified source. All obligations created or assumed and all bonds issued or assumed by the Authority shall be solely and

exclusively an obligation of the Authority and shall not create an obligation or debt of any county or municipality; provided, that the provisions of this sentence shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the Authority. Any bonds issued by the Authority shall be limited or special obligations of the Authority payable solely out of the revenues of the Authority specified in the proceedings authorizing those bonds. Any such proceedings may provide that the bonds therein authorized shall be payable solely from that one or combination of the following sources as may be set forth in any resolution of the board authorizing the issuance of such bonds: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any Act of the legislature of the state or by or pursuant to any ordinance, resolution or order of the county in which the Authority is authorized to furnish public transportation service or any municipality located in such county, and (b) the revenues derived from the operation of all transit systems owned by the Authority of solely out of the revenues from the operation of any one or more of such systems or parts thereof, regardless of the fact that those bonds may have been issued with respect to or for the benefit of only certain particular systems of the Authority. The Authority may pledge for the payment of any of its bonds the revenues from which such bonds are payable, and may execute and deliver a trust indenture evidencing any such pledge or a mortgage and deed of trust conveying as security for such bonds the transit system, or any part of any thereof, the revenues or any part of the revenues from which are so pledged. Any mortgage and deed of trust or trust indenture made by the Authority may contain such agreements as the board may deem advisable respecting the operation and maintenance of the property and the use of the revenues subject to such mortgage and deed of trust or affected by such trust indenture, and respecting the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made; provided, that no such instrument shall be subject to foreclosure.

Section 11. As security for payment of the principal of and the interest on bonds issued or obligations assumed by it, the Authority may enter into a contract or contracts binding itself for the proper application of the proceeds of bonds and other funds, for the continued operation and maintenance of any transit system owned by it, or any part or parts thereof, for the imposition and collection of reasonable rates for and the promulgation of reasonable regulations respecting any service furnished from such system, for the disposition and application of its gross revenues or any part thereof, and for any other act or series of acts not inconsistent with the provisions of this Act for the protection of the bonds and other obligations being secured and the assurance that the revenues from such system, when added to all other moneys of the Authority available therefor, will be sufficient to operate such system, maintain the same in good repair and in good operating condition, pay the principal of and the interest on any bonds payable from such revenues, and maintain such reserve as may be deemed appropriate for the protection of the bonds, the efficient operation of such system, and the making of replacements thereof and capital improvements thereto. Any contract pursuant to the provisions of this section may be set forth in any resolution of the board authorizing the issuance of bonds or the assumption of obligations or in any mortgage and deed of trust, or trust indenture made by the Authority hereunder.

Section 12. Any resolution of the board or trust indenture under which bonds may be issued pursuant to the provisions of this Act may contain provisions creating a statutory mortgage lien, in favor of the holders of such

bonds and of the interest coupons applicable thereto, on the transit systems, or any thereof (including any after-acquired property) out of the revenues from which such bonds are made payable, The said resolution of the board or the said trust indenture may provide for the filing for record in the office of the Judge of Probate of each county in which any part of such transit system, or any thereof, may be located of a notice containing a brief description of such systems, a brief description of such bonds, and a declaration that said statutory mortgage lien has been created for the benefit of the holders of such bonds and the interest coupons applicable thereto, upon such systems, including any additions thereto and extensions thereof. Each Judge of Probate shall receive, record and index any such notice filed for record in his office. The recording of such notice, as herein provided, shall operate as constructive notice of the contents thereof.

Section 13. All moneys derived from the sale of any bonds issued by the Authority shall be used solely for the purpose or purposes for which the same are authorized and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to (1) the fiscal, engineering, legal and other expenses incurred in connection with the issuance of the bonds, (2) in the case of bonds issued to pay costs of acquiring or constructing all or any part of a transit system interest on such bonds (or, if a part only of any series of bonds is issued for acquisition or construction purposes, interest on that portion of the bonds of that series that is issued to pay such acquisition or construction costs) prior to and during such acquisition or construction and for not exceeding one year after completion of such acquisition on construction, and (3) in the case of bonds issued for the purpose of refunding principal and interest, or either, with respect to bonds issued or obligations assumed by the Authority, any premium that it may be necessary to pay in order to redeem or retire the bonds or other obligations to be refunded.

Section 14. For the purpose of securing public transportation or aiding or cooperating with the Authority in the planning, development, undertaking, construction, acquisition, extension, improvement, operation or protection of transit systems, any county, municipality or other political subdivision, public corporation, agency or instrumentality of this state may, upon such terms and with or without consideration, as it may determine: (a) lend or donate money to, or perform services for the benefit of, the Authority; (b) donate, sell, convey, transfer, lease or grant to the Authority, without the necessity of authorization at any election of qualified voters, any property or any kind, including, but without limitation, any transit systems, any interest in any thereof, and any franchise; (c) provide that all or a portion of the taxes or funds available or to become available to, or required by law to be used by it for public transportation service or for the support of transit systems, be transferred or paid directly to the Authority as such funds become available; and (d) do any and all things, whether or not specifically authorized in this section, not otherwise prohibited by law, that may be necessary or convenient to aid and cooperate with the Authority in the planning, undertaking, construction, acquisition, or operation of transit systems.

Section 15. The property and income of the Authority, all bonds issued by the Authority, the income from such bonds, conveyances by or to the Authority, and leases, mortgages, and deeds of trust by or to the Authority shall be exempt from all taxation in the State of Alabama. The Authority shall be exempt from all taxes levied by any county, municipality, or other political subdivision of the state, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities that an Authority may engage in. The Authority shall not be

obligated to pay or allow any fees, taxes or costs to the Judge of Probate of any county in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document.

Section 16. This Act is intended to aid the state in the execution of its duties by providing appropriate and independent instrumentalities of the state with full and adequate powers to fulfill their functions. Except as in this Act expressly otherwise provided, no proceeding, notice or approval shall be required for the incorporation of any Authority or the amendment of its certificate of incorporation, the acquisition of any property or transit system, or the issuance of any bonds, mortgage and deed of trust, or trust indenture. The Authority, every transit system of the Authority, any public transportation service provided by the Authority, and the rates and charges thereof shall be exempt from all jurisdiction of, and all regulation and supervision by, the Public Service Commission. Neither a public hearing nor the consent of the State Department of Finance shall be prerequisite to the issuance of bonds by the Authority.

Section 17. Each Authority is hereby authorized to use the rights-of-way of all public roads in the state without securing the prior approval of the state or of its agencies or departments or the governing body of said county and subject only to the necessity of obtaining the municipal consent required by Section 220 of the Constitution of Alabama; provided, however, that nothing herein shall be construed to exempt any Authority from the requirements of Section 23-1-4, Code of Alabama 1975; and provided further, that the said Authority shall have the duty to restore at its expense all roads, highways and public right-of-way in which it may have made excavations or done other work in constructing a transit system or performing any of its other corporate functions.

Section 18. Within thirty (30) days of the beginning of the fiscal year of an Authority, the board shall adopt a budget for such fiscal year. Any such budget may be amended by a resolution of the board from time to time and at any time. Within thirty (30) days following the close of each fiscal year the Authority shall cause an audit of its books and records to be made for such fiscal year by an independent certified public accountant. Within ninety (90) days following the close of each fiscal year the Authority will furnish a copy of such audit to the governing body of the authorizing municipality.

Section 19. At any time when the Authority has no bonds or other obligations outstanding, the board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the Authority shall be dissolved. Upon the filing for record of a certified copy of the said resolution in the office of the Judge of Probate of the county in which the authorizing municipality is located, the Authority shall thereupon stand dissolved and in the event it owned any property at the time of its dissolution, the title to all its properties shall thereupon pass to, and be divided and apportioned as follows: title to real estate shall vest in the county or municipality, as the case may be, in which the said real estate is located, and the title to tangible personal property (including cash on hand and in banks), accounts receivable, choses in action, and other intangible property (other than intangible interest in land) shall vest in the authorizing municipality.

Section 20. The existence of an Authority incorporated under the provisions of this Act, shall prevent the subsequent incorporation hereunder of another Authority in the same county.

Section 21. The provisions of this Act are severable. In the event any section, clause or provision hereof shall be held invalid or unenforceable, such holding shall not invalidate or render unenforceable any other section, clause or provision hereof.

Section 22. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 63; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cheatwood, Clark, Cobb, Crow, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Harper (O), Harper (T), Harvey, Holley, Horn, Howard, Johnson (R. G.), Kennedy (C), Kennedy (Y), Laird, Langford, Letson, McKee, McMillan, Manley, Naramore, Olive, Penry, Rains, Ray, Reed, Riddick, Sandusky, Seibels, Shavers, Shoemaker, Smith (M), Starkey, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—63

And the bill, S. 558, as thus amended, was read a third time at length and passed.

Yeas 69; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cheatwood, Clark, Cobb, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Harper (O), Harper (T), Harvey, Holley, Horn, Howard, Johnson (R. G.), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Naramore, Olive, Owens, Penry, Ray, Reed, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—69

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side and previously filed a Notice in Writing, Rep. Waggoner offered the motion to reconsider the vote by which the bill, S. 57, was passed, and the motion to reconsider was adopted.

Yeas 59; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Buskey, Cabaniss, Campbell, Cheatwood, Clark, Cobb, Cosby, Crow, Dial, Dixon, Edwards, Goodwin, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (Y), Laird, Langford,

Letson, McMillan, Minus, Naramore, Olive, Payne, Pegues, Penry, Reed, Seibels, Shavers, Shoemaker, Smith(C), Starkey, Turner, Turnham, Venable, Waggoner, Warren, Williams, Willis and Zoghby.

—59

And the bill:

S. 57. To amend section 11-81-16 of the Code of Alabama 1975, which authorizes pledges of certain tax proceeds and other revenues for payment of principal of and interest on bonds of a county or municipality, so as to clarify the said section and so as to add to the classes of revenues that may be so pledged revenues from airports and other revenue producing facilities.

Was again taken up.

### SUBSTITUTE OFFERED

Rep. Waggoner offered the following substitute to the bill, S. 57:

#### A BILL TO BE ENTITLED AN ACT

To amend section 11-81-16 of the Code of Alabama 1975, which authorizes pledges of certain tax proceeds and other revenues for payment of principal of and interest on bonds of a county or municipality, so as to clarify the said section by adding revenues from airport facilities to the classes of utility revenues that may be so pledged.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-81-16 of the Code of Alabama 1975 shall be, and hereby is, amended to read as follows:

#### "§ 11-81-16.

In any case in which a county or municipality may hereafter issue any bonds which are general obligations of such county or municipality, there may be pledged to the payment of the principal of and interest on such bonds all or any part or portion of funds which may be derived from any one or more of the following sources and which shall not be required for the purpose of making good any valid pledge thereof theretofore made or which are not required by the Constitution to be devoted to other purposes and which such county or municipality may at any time be authorized to levy, or collect, or receive:

- (1) The proceeds of any property tax;
- (2) The proceeds of any license, privilege or occupational tax, excepting such license taxes as may be levied by municipalities for conducting business outside their corporate limits;
- (3) The portion of any license, privilege or occupational tax levied under any law heretofore or hereafter enacted which may be apportioned and paid to such municipality or county; and
- (4) The revenues of any waterworks, sewage system, electric light and power plant, airport, or any other utility maintained and operated by such municipality or county.



The provisions making such pledge shall have the force of contract between the county or municipality and the holders of such bonds. No property tax thus pledged and no rate or charge for the services rendered by such utility shall be reduced or diminished to such an extent that the tax or revenue pledged will not be sufficient to meet the interest and sinking fund or principal requirements of such bonds. Any tax or revenue so pledged shall constitute a trust fund or funds which shall be impressed with a lien in favor of the holders of the bonds to the payment of which such funds are pledged. In the event such county or municipality should pledge any tax or revenues as authorized by this section, the ordinance or resolution authorizing the issuance of such bonds may provide that such county or municipality shall not be required to levy the tax provided for in section 11-81-15, but shall be required to levy only such property taxes, license, privilege or occupational taxes as may be so pledged under authority of this section. Notwithstanding any contrary provisions of any general or local law, the ordinance or resolution authorizing the issuance of any such bonds may contain provisions or covenants whereby, so long as any such bonds shall be outstanding, any license, privilege or occupational tax thus pledged shall be levied and collected in each year without reduction in the aggregate annual amount of such license, privilege or occupational taxes so pledged."

Section 2. This act shall become effective upon being signed by the Governor or upon its otherwise becoming law.

#### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 51; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Campbell, Carter, Cheatwood, Clark, Cobb, Cosby, Crow, Dixon, Edwards, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Naramore, Penry, Reed, Seibels, Shavers, Smith (C), Smith (J), Starkey, Turner, Turnham, Venable, Warren, Whatley, Williams, Willis and Zoghby.

—51

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 57, as thus amended, was again read a third time at length and passed.

Yeas 59; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cheatwood, Clark, Cobb, Cosby, Crow, Dixon, Edwards, Gilmer, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Howard, Johnson (R. G.),

Kelley, Kennedy (Y), Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Naramore, Pegues, Penry, Reed, Roberts, Seibels, Shavers, Smith (C), Smith (J), Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—59

And the bill:

S. 635. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Shelby County; to provide that witnesses may be subpoenaed by United States mail in the county under certain conditions.

Was read a third time at length and passed.

Yeas 56; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bennett, Blake, Boles, Buskey, Cabaniss, Campbell, Carter, Cates, Clark, Crow, Dixon, Edwards, Gilmer, Goodwin, Gregg, Hall, Hammett, Harper (O), Harvey, Holley, Howard, Johnson (R. G. ), Kelley, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Turner, Turnham, Venable, Ward, Williams, Willis and Zoghby.

—56

And the bill:

S. 40. (With Amendments) (with Substitute): To propose and provide for the submission of an amendment to the Constitution of Alabama which revises the Constitution of Alabama of 1901, as amended.

Which was temporarily postponed on the twenty-ninth legislative day, was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Constitution and Elections, said committee substitute being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To amend the Constitution of 1901 by replacing the article on the Executive, Article 5, by replacing the article on Impeachment, Article 7, by replacing the article on Suffrage and Elections, Article 8, by amending Article 6, and by proposing an amendment to eliminate state-wide votes on local issues.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment, which replaces articles, 5, 7 and 8 of the Constitution of 1901 and which amends certain other portions of the constitution is proposed and shall become valid as a part of the constitution when approved and proclaimed as prescribed by law.

CONSTITUTIONAL AMENDMENT

1. Article 5, Sections 112 through 138, inclusive, of the Constitution of Alabama of 1901, including amendments 38 and 282 thereto, and all other provisions of the Constitution of 1901 and amendments thereto that conflict with the following article are hereby repealed and in lieu thereof the following article shall be adopted:

ARTICLE V

EXECUTIVE DEPARTMENT

Section 5.01. Executive Power and the Executive Department.

The principal executive power of the state shall be vested in a governor. The executive department shall include a governor, a lieutenant governor, an attorney general, a state auditor, a secretary of state, a state treasurer, a commissioner of agriculture and industries, and a sheriff for each county.

Section 5.02. Election and Term of Office of Executive Officers.

The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall be elected by the electors of the state at the same time and places appointed for the election of members of the legislature. They shall hold their respective offices for a term of four years, commencing at twelve o'clock noon on the first Monday after the second Tuesday in January succeeding their election and until their successors shall be elected and qualified. Each of said officers shall be eligible to succeed himself in office, but no person elected to a term shall be eligible to succeed himself for more than one additional elective term.

Section 5.03. Election Returns.

The returns of every election for governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall be sealed and transmitted by the returning officers to the seat of government and directed to the speaker of the house of representatives, who shall open and publish the votes in the manner prescribed by law. The person having the highest number of votes for one of said offices shall be declared elected; but if two or more shall have the highest and an equal number of votes, the legislature by a majority vote of the total number of the two houses meeting in joint session, shall choose one of said persons without delay. Contested elections shall be determined by both houses in the manner prescribed by law.

Section 5.04. Qualifications of Governor and Lieutenant Governor.

The governor and lieutenant governor shall be at least thirty years of age when elected and shall have been qualified voters in this state for seven years prior to their election.

Section 5.05. Compensation and Place of Residence of Executive Officers.

The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries, shall receive compensation to be fixed by law, which shall not be increased or diminished during the term for which they shall have been elected, and shall, except the lieutenant governor, reside at the state capitol

during the time they continue in office. The compensation of the lieutenant governor shall be the same as that received by the speaker of the house, except while serving as governor, during which time his compensation will be the same as that allowed the governor.

Section 5.06. Legislative Responsibilities of Governor.

(a) Special Sessions. The governor may by proclamation on extraordinary occasions convene the legislature at the seat of government or at a different place if the seat of government shall become dangerous. He shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary.

(b) Messages to the Legislature. The governor shall from time to time give to the legislature information on the state of the government. He shall transmit to the legislature a budget setting forth his financial program for the fiscal year which will have begun before the next regular session as prescribed by law. The governor shall also account to the legislature, as may be prescribed by law, for all money received and paid out by him or by his order; and at the commencement of each regular session he shall present to the legislature estimates of the amount of money required to be raised by taxation for all purposes.

(c) Veto. Every bill passed by the legislature shall before it becomes a law be presented to the governor unless otherwise provided by this constitution. If the legislature is in session, the bill shall become law if the governor signs or fails to veto it within seven calendar days of presentation. If the legislature is prevented from returning by recess, such bill must be returned to the house in which it originated on the first legislative day after the reassembling, otherwise, it shall become law. If the legislature adjourns sine die before presentation or during such seven day period, the bill shall become law only if the governor signs it within twenty calendar days of presentation. When the governor vetoes a bill, he shall, within seven calendar days of presentation, return it to the secretary or clerk of the house in which the bill originated, unless the legislature shall, by final adjournment, prevent such return. If the bill is returned, it shall be reconsidered, and if a majority of the members elected to each house vote for the passage of the bill, it shall become law.

(d) Executive Amendments. The governor may, within seven calendar days after a bill has been presented to him, return such bill to the house in which it originated with recommendations for its amendment; but when return is prevented by recess, such bill must be returned to the house in which it originated on the first legislative day after the reassembling, otherwise, it shall become a law. Both houses may adopt but cannot amend such amendment. If both houses approve such amendment, the bill as amended shall become law. If either house refuses to approve such amendment, then either house may reconsider the original bill and repass it by a majority vote. If both houses repass the original bill, it shall become law without the governor's signature. In all cases above set forth; the governor's objections, the names of the members voting for or against the bill, or amendments thereto, shall be entered on the journal.

(e) Appropriation Bills. The governor shall have power to approve or disapprove any item or items of any appropriation bill embracing distinct items, and the part or parts of the bills approved shall be the law, and the item or the items disapproved shall be void, unless the item or items disapproved

shall be repassed according to the rules and limitations prescribed for the passage of bills over the executive veto; and he shall in writing state specifically the item or item he disapproves, setting the same out in full in his message, but in such case the enrolled bill shall not be returned with the governor's objection.

Section 5.07. Executive and Administrative Powers of the Governor.

(a) Executive of Laws. The governor shall be responsible for the faithful execution of the laws.

(b) Information. The governor may require information in writing, under oath, from the officers of the executive department, and all officers and managers of state institutions, on any subject relating to the duties of their respective offices or the condition, management and expenses of their respective departments or institutions. Any such officer or manager who willfully makes a false report or fails without sufficient excuse to make a required report on demand is guilty of an offense for which he may be removed.

(c) Executive Reorganization. Except for organizational arrangements specified in this constitution, the governor may make such changes in the organization of the executive department or in the assignment of functions among its units as he considers necessary for efficient administration. If such changes affect existing statutory law, they shall be set forth in executive orders, which must be submitted to the legislature during a regular or special session, where they may be amended, approved or disapproved, and shall become effective, and shall have the force of law, if approved or amended and approved by a majority of each house. No executive reorganization that changes or applies to statutory law shall be effected until final approval by legislative act. The governor shall not, however, make changes which would become effective later than one hundred and eighty days before the end of his administration. For the purpose of this subsection the term "executive department" shall not include any other constitutional office or any departments, bureaus, and agencies whose director or head is appointed by any other constitutional officer or serves at his pleasure.

(d) Commander in Chief. The governor shall be commander in chief of the armed forces of this state, except when they are called into the service of the United States, and may call them out to execute the laws, to preserve order, to provide assistance in the event of public disaster, to suppress insurrection or to repel invasion.

(e) Power to Fill Vacancies. The governor shall have power to fill vacancies in all offices of the state for the filling of which the constitution or laws make no other provision. the writ of election shall be called in the manner provided by law.

Section 5.08. Executive Clemency.

The governor shall have the power to grant reprieves and commutations to persons under sentence of death. The legislature may provide for and regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon.

Section 5.09. Succession to the Office of Governor.

(a) Removal, Death or Resignation of Governor. In case of the governor's removal from office, death, or resignation the lieutenant governor shall become governor.

(b) Removal, Death or Resignation of Governor and Lieutenant Governor. If both the governor and the lieutenant governor be removed from office, die or resign, the unexpired terms of the governor and lieutenant governor shall be filled by a special election, except when such unexpired terms are less than one year, in which case a new governor and lieutenant governor shall not be elected until the next regular gubernatorial election. In the event of such vacancy, the office of governor shall be held and administered by the speaker of the house of representatives, the president pro tempore of the senate, attorney general, state auditor, secretary of state or state treasurer, in that order, until the new governor is elected and qualified.

(c) Vacancies due to Disability or Absence. When the governor is unable to discharge the duties of his office by reason of physical or mental disability, or when the duties are not being discharged by reason of his absence from the state, the power and authority of the office shall, until the governor returns to the state or is restored to his mind, or relieved from other disability, devolve in the order herein named upon the lieutenant governor, the speaker of the house of representatives, the president pro tempore of the senate, attorney general, state auditor, secretary of state, or state treasurer. If any of the officers in the line of succession be under any of the disabilities herein specified, the office of the governor shall be administered in the order named by such of these officers as may be free from such disability. If the governor's disability or absence does not terminate within ninety successive days, the office of governor shall be vacant as if the governor had died.

(d) Failure of Governor to Qualify. If the governor-elect fails to qualify, the lieutenant governor-elect shall qualify and exercise the duties of governor until the governor-elect qualifies. In the event that both the governor-elect and the lieutenant governor-elect fail to qualify, the speaker of the house, the president pro tempore of the senate, the attorney general, state auditor, secretary of state, and state treasurer shall, in the order named, administer the office until the governor-elect or the lieutenant governor-elect qualifies, or until the office of governor has been filled by an election and the newly elected governor has qualified. If both the governor-elect and the lieutenant governor-elect fail to qualify within six months of the beginning of their terms of office, the unexpired term of the governor-elect and the lieutenant governor-elect shall be filled by a special election.

#### Section 5.10. Procedure for Determination of Incapacity of Governor.

(a) If the governor or acting governor shall appear to be unable to perform his duties because of physical or mental disability or absence from the state, it shall be the duty of the supreme court upon the request in writing by the attorney general, the speaker of the house, the president pro tempore of the senate, or any one of them, not next in succession to the office of governor, to ascertain the truth of the charges. If he is adjudged to be unable to perform his duties because of physical or mental disability, or absence from the state, it shall be the duty of the officer next in succession to perform the duties of the office until the disability is removed or until the governor returns to the state. If the incumbent denies that the disability of the governor or other person entitled to administer the office has been removed, the supreme court shall ascertain the truth concerning the same. If the disability has not continued for more than ninety successive days and has been removed, the court shall so decree, and the office shall be restored to him. The supreme court shall prescribe the method of taking testimony and the rules of practice in such proceedings.

(b) The physical disability of the governor to perform his duties may also be established by his written declaration to that effect transmitted to the officer next in line of succession and to the attorney general. If the physical disability of the governor is removed within ninety successive days, he may resume his office by notifying the acting governor and the attorney general. Any question concerning the governor's ability to resume his office shall be decided by the supreme court.

Section 5.11. Compensation of Acting Governor.

The lieutenant governor, speaker of the house, president pro tempore of the senate, attorney general, state auditor, secretary of state or state treasurer, while administering the office of governor, shall receive from the state the same compensation as that prescribed by law for the governor and no other.

Section 5.12. Lieutenant Governor, Attorney General, and Other Officers.

(a) Duties of the Lieutenant Governor. The lieutenant governor shall be ex officio president of the senate but shall have no right to vote except in the case of a tie.

(b) Qualifications of Attorney General. The attorney general shall be at least thirty years of age. He shall have been a qualified voter of the state of Alabama, and licensed to practice law for three years in this state, and a resident citizen thereof, for five years prior to his election.

(c) The Secretary of State. The secretary of state shall be the custodian of the great seal of the state, and shall authenticate therewith all official acts of the governor, except his approval of laws, resolutions, appointments to office, and administrative orders. He shall keep a register of the official acts of the governor, and when necessary, shall attest them, and lay copies of same together with copies of all papers relative thereto, before either house of the legislature, when required to do so, and shall perform such other duties as may be prescribed by law.

(d) State Treasurer and Auditor. The state treasurer and state auditor shall, every year, at a time fixed by the legislature make a full and complete report to the governor, showing the receipts and disbursements of every character, all claims audited and paid out, by items, and all taxes and revenues collected and paid into the treasury, and the sources thereof. They shall make reports upon any matters pertaining to their offices if required by the governor or the legislature.

(e) Removal for Insanity or Incapacity to Perform Duties. In case the lieutenant governor, attorney general, secretary of state, state auditor, state treasurer, or commissioner of agriculture and industries shall appear to be unable to perform his duties because of physical or mental disability, such inability to perform his duties shall be ascertained by the supreme court upon suggestion of the governor, and if found to be insane or unable to perform his duties because of physical disability, his office shall be vacant.

Section 5.13. Election and Term of Office of Sheriffs; Sheriff Eligible to Succeed self; Impeachment of Sheriff; Effect of Impeachment of Sheriff.

A Sheriff shall be elected in each county by the qualified electors thereof who shall hold office for a term of four years unless sooner removed, and he shall be eligible to such office as his own successor. Whenever any prisoner is

taken from jail, or from the custody of any sheriff or his deputy, and put to death, or suffers grievous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached, under this constitution. If the sheriff be impeached, and thereupon convicted, he shall not be eligible to hold any office in this state during the time for which he had been elected or appointed to serve as sheriff.

#### Section 5.14. State Seal.

There shall be a seal of the state, which shall be used officially by the governor, and the seal now in use shall continue to be used until another shall have been adopted by the legislature. The seal shall be called, "The Great Seal of the State of Alabama".

2. Article 7, Sections 173 through 176 inclusive, of the Constitution of Alabama of 1901, and all provisions of the Constitution of 1901 and amendments thereto that conflict with the following article are hereby repealed and in lieu thereof the following article shall be adopted:

### ARTICLE VII

#### IMPEACHMENTS

##### Section 7.01. Impeachment of State Officers.

(a) The governor, or acting governor, and all state officers, and judges, who are elected on a statewide basis, shall be subject to impeachment by the house of representatives for willful neglect of duty, corruption in office, or the commission of any offense, while in office, involving moral turpitude.

(b) Unless otherwise provided by law, impeachment by the house of representatives shall be tried by the senate; sitting as a court of impeachment. When sitting as a court of impeachment, the senate shall have such judicial power reasonably necessary to carry out this purpose, including the power of subpoena. No person shall be convicted by the senate without the concurrence of at least two-thirds of the members present.

(c) When the governor, lieutenant governor, or acting governor is impeached, the chief justice, or one of the associate justices of the supreme court, to be selected by it, shall preside over the senate when sitting to try an impeached officer.

(d) If at any time when the legislature is not in session, a majority of all the members elected to the house of representatives shall certify in writing to the speaker of the house their desire to meet to consider the impeachment of the governor or acting governor, it shall be the duty of the speaker of the house to summon the members of the house to assemble at the capitol to consider the impeachment of the governor or acting governor. If the house of representatives prefers articles of impeachment, the lieutenant governor or president pro tempore of the senate, if the lieutenant governor has been impeached by the house, shall summon the members of the senate to assemble at the capitol for the purpose of trying the impeached officer.

(e) An officer impeached by the house of representatives shall be disqualified from performing any official duties and receiving any compensation until he has been tried and acquitted. He shall be removed from office upon conviction.



Section 7.02. District Attorneys and Sheriffs.

District attorneys and sheriffs may be removed from office by the supreme court for any of the causes specified in Section 7.01 (a), under such regulations as may be prescribed by law.

Section 7.03. County and City Officers.

All county officers and officers of incorporated cities and towns may be removed from office for any of the causes specified in section 7.01 (a) of this article by a court having jurisdiction to try felony cases in the county or district in which such officers hold their office. The legislature shall provide by law the method of proceeding under this section, provided that the right of trial by jury and appeal in such cases shall be secured. This section shall not apply to the judge of any court who may be removed by procedures provided by the judicial article.

Section 7.04. Penalties Upon Conviction.

Any person convicted in cases arising under the three preceding sections shall be removed from office and shall be disqualified from holding any office under the state during the term for which such person was elected or appointed. But the person convicted, or acquitted, shall be subject to criminal punishment according to law.

3. Article 8, Sections 177 through 196, inclusive, of the Constitution of Alabama of 1901, and all other provisions of the Constitution of 1901 and amendments thereto, that conflict with the following article are hereby repealed and in lieu thereof the following article shall be adopted:

ARTICLE VIII

SUFFRAGE AND ELECTIONS

Section 8.01. Qualifications for Voting.

Every citizen of the United States who has attained the age of eighteen years and has resided in this state and in a county thereof for the time provided by law, if registered as provided by law, shall have the right to vote in the county of residence.

Section 8.02. Disqualifications.

No person convicted of a felony involving moral turpitude, or who is mentally incompetent, shall be qualified to vote until restoration of civil and political rights or removal of disability.

Section 8.03. Regulation of Elections.

The legislature shall by uniform law provide for the registration of voters, absentee voting, secrecy in voting, the administration of elections, and the nomination of candidates.

4. Amend section 6.09 (d) of Article VI of the Constitution of 1901, as amended, as follows:

(d) The commission may submit a report to the legislature at any time within the first five calendar days of any session. The recommendations of the commission shall become law unless rejected by a joint resolution or altered by act of the legislature at the session to which the report is submitted. If before the end of the tenth legislative day of the session to which the report is

submitted, the legislature has not taken final action approving, disapproving or amending the recommendations of the commission, both houses of the legislature shall as the first order of business on the eleventh legislative day cause a vote to be taken on whether the recommendations of the commission shall be approved, disapproved, or amended. If approved, or amended, the recommendations shall become law as approved or amended. The compensation of a judge shall not be diminished during his official term.

5. Amend section 6.17 (b) of Article VI of the Constitution of 1901, as amended, as follows:

(b) The commission shall be convened permanently with authority to conduct investigations, receive or initiate complaints concerning any judge of a court of the judicial system of this state, excluding judges who are elected on a state-wide basis. The commission shall file a complaint with the court of the judiciary in the event that a majority of the members of the commission decide that a reasonable basis exists, (1) to charge a judge with violation of any canon of judicial ethics, misconduct in office, failure to perform his duties, or (2) to charge that the judge is physically or mentally unable to perform his duties. All proceedings of the commission shall be confidential except the filing of a complaint with the court of the judiciary. The commission shall prosecute the complaints.

6. Article 18 of the Constitution of Alabama of 1901 as amended, is hereby further amended by adding a new section thereto, as follows:

Amendments to this constitution which apply to any political subdivision or subdivisions of the state less than the whole shall be proposed and voted upon in the legislature, and the election on such amendments shall be conducted and the result proclaimed, in all respects, in the manner provided by Section 284 of this constitution, except that in the bill or resolution submitting any such amendment the legislature may direct that the election to be held thereon shall be by the qualified electors of the political subdivision or subdivisions named therein, and that the notice of the election on such amendment shall be published only in the counties or municipalities affected thereby.

Section 2. All officers filling any office by election or appointment under Article 5 of the Constitution of 1901 shall continue the duties thereof, until their offices shall have been abolished or their successors elected and qualified in accordance with this amendment, or law authorized by this amendment. No provision of this amendment, or law authorized by this amendment, shall shorten the term of any person elected to state office prior to the date on which this amendment shall become effective.

Section 3. Except to the extent inconsistent with the provisions of this amendment, all provisions of law and rules of court in force on the effective date of this amendment shall continue in effect until superceded in the manner authorized by the constitution.

Section 4. An election upon the proposed amendment is to be held on the first special, primary or general election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and Section 17-3-7 of the Code of Alabama, 1975.

Section 5. Notice of the election and of the proposed amendments shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in a county, a copy of the notice shall be posted at the courthouse and at three other places in the county.

And the substitute was adopted.

Yeas 80; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Pegues, Penry, Ray, Reed, Riddick, Sasser, Seibels, Shavers, Smith(C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis and Wyatt.

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#### SUBSTITUTE OFFERED

Rep. Zoghby offered the following substitute to the bill, S. 40 as amended and with pending amendments:

#### A BILL TO BE ENTITLED AN ACT

To amend the Constitution of 1901 by replacing the article on the Executive, Article 5, by replacing the article on Impeachment, Article 7, by replacing the article on Suffrage and Elections, Article 8, by amending Article 6, and by proposing an amendment to eliminate state-wide votes on local issues.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment, which replaces articles, 5, 7 and 8 of the Constitution of 1901 and which amends certain other portions of the constitution is proposed and shall become valid as a part of the constitution when approved and proclaimed as prescribed by law.

#### CONSTITUTIONAL AMENDMENT

1. Article 5, Sections 112 through 138, inclusive, of the Constitution of Alabama of 1901, including amendments 38 and 282 thereto, and all other provisions of the Constitution of 1901 and amendments thereto that conflict with the following article are hereby repealed and in lieu thereof the following article shall be adopted.:

#### ARTICLE V EXECUTIVE DEPARTMENT

Section 5.01. Executive Power and the Executive Department.

The principal executive power of the state shall be vested in a governor. The executive department shall include a governor, a lieutenant governor,

an attorney general, a state auditor, a secretary of state, a state treasurer, a commissioner of agriculture and industries, and a sheriff for each county.

Section 5.02. Election and Term of Office of Executive Officers.

The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall be elected by the electors of the state at the same time and places appointed for the election of members of the legislature. They shall hold their respective offices for a term of four years, commencing at twelve o'clock noon on the first Monday after the second Tuesday in January succeeding their election and until their successors shall be elected and qualified. All officers shall be eligible to succeed themselves in office, but no persons elected to any offices enumerated above shall be eligible to succeed themselves for more than one additional elective term.

Section 5.03. Election Returns.

The returns of every election for governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries shall be sealed and transmitted by the returning officers to the seat of government and directed to the speaker of the house of representatives, who shall open and publish the votes in the manner prescribed by law. The person having the highest number of votes for any one of said offices shall be declared elected; but if two or more shall have the highest and an equal number of votes, the legislature by a majority vote of the total number of the two houses meeting in joint session, shall choose one of said persons without delay. Contested elections shall be determined by both houses in the manner prescribed by law.

Section 5.04. Qualifications of Governor and Lieutenant Governor.

The governor and lieutenant governor shall be at least thirty years of age when elected and shall have been qualified voters and resident citizens in this state for seven years prior to their election.

Section 5.05. Compensation and Place of Residence of Executive Officers.

The governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries, shall receive compensation to be fixed by law, which shall not be increased or diminished during the term for which they shall have been elected, and shall, except the lieutenant governor, reside in the county of the location of the state capital during the time they continue in office. The compensation of the lieutenant governor shall be the same as that received by the speaker of the house, except while serving as governor, during which time the lieutenant governor's compensation will be the same as that allowed the governor.

Section 5.06. Legislative Responsibilities of Governor.

(a) Special Sessions. The governor may by proclamation on extraordinary occasions convene the legislature at the seat of government or at a different place if the seat of government shall become dangerous, and shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary.

(b) Messages to the Legislature. The governor shall from time to time give to the legislature information on the state of the government. The governor shall transmit to the legislature a budget setting forth a financial program for the fiscal year which will have begun before the next regular session as prescribed by law. The governor shall also account to the legislature, as may be prescribed by law, for all money received and paid out by the governor or by the governor's order; and at the commencement of each regular session shall present to the legislature estimates of the amount of money required to be raised by taxation for all purposes.

(c) Veto. Every bill passed by the legislature shall before it becomes a law be presented to the governor unless otherwise provided by this constitution. If the legislature is in session, the bill shall become law if the governor signs or fails to veto it within seven calendar days of presentation. If the legislature is prevented from returning by recess, such bill must be returned to the house in which it originated on the first legislative day after the reassembling, otherwise, it shall become law. If the legislature adjourns sine die before presentation or during such seven day period, the bill shall become law only if the governor signs it within twenty calendar days of presentation. When the governor vetoes a bill, the governor shall within seven calendar days of presentation, return it to the secretary or clerk of the house in which the bill originated, unless the legislature shall, by final adjournment, prevent such return. If the bill is returned, it shall be reconsidered, and if a majority of the members elected to each house vote for the passage of the bill, it shall become law.

(d) Executive Amendments. The governor may, within seven calendar days after a bill has been presented to the governor for signature, return such bill to the house in which it originated with recommendations for its amendment; but when return is prevented by recess such bill must be returned to the house in which it originated on the first legislative day after the reassembling, otherwise, it shall become a law. Both houses may adopt but cannot amend such amendment. If both houses approve such amendment, the bill as amended shall become law. If either house refuses to approve such amendment, then either house may reconsider the original bill and repass it by a majority vote. If both houses repass the original bill, it shall become law without the governor's signature. In all cases above set forth; the governor's objections, the names of the members voting for or against the bill, or amendments thereto, shall be entered on the journal.

(e) Appropriation Bills. The governor shall have power to approve or disapprove any item or items of any appropriation bill embracing distinct items, and the part or parts of the bills approved shall be the law, and the item or the items disapproved shall be void, unless the item or items disapproved shall be repassed according to the rules and limitations prescribed for the passage of bills over the executive veto. The governor shall in writing state specifically the item or items disapproved of, setting the same out in full in his message, but in such case the enrolled bill shall not be returned with the governor's objection.

#### Section 5.07. Executive and Administrative Powers of the Governor.

(a) Execution of Laws. The governor shall be responsible for the faithful execution of the laws.

(b) Information. The governor may require information in writing, under oath, from the officers of the executive department, and all officers and

managers of state institutions, on any subject relating to the duties of their respective offices or the condition, management and expenses of their respective departments or institutions. Any such officer or manager who willfully makes a false report or fails without sufficient excuse to make a required report on demand is guilty of an offense for which he may be removed.

(c) **Executive Reorganization.** Except for organizational arrangements specified in this constitution, the governor may make such changes in the organization of the executive department or in the assignment of functions among its units as he considers necessary for efficient administration. If such changes affect existing statutory law, they shall be set forth in executive orders, which must be submitted to the legislature during a regular or special session, where they may be amended, approved or disapproved, and shall become effective, and shall have the force of law, if approved or amended and approved by a majority of each house. No executive reorganization that changes or applies to statutory law shall be effected until final approval by the enactment of a bill into law. The governor shall not, however, make changes which would become effective later than one hundred and eighty days before the end of such governor's administration. For the purpose of this subsection the term "executive department" shall not include any other constitutional office or any departments, bureaus, and agencies whose director or head is appointed by any other constitutional officer or serves at the governor's pleasure.

(d) **Commander in Chief.** The governor shall be commander in chief of the armed forces of this state, except when they are called into the service of the United States, and may call them out to execute the laws, to preserve order, to provide assistance in the event of public disaster, to suppress insurrection or to repel invasion.

(e) **Power to Fill Vacancies.** The governor shall have power to fill vacancies in all offices of the state for the filling of which the constitution or laws make no other provision. The writ of election shall be called in the manner provided by law.

#### Section 5.08. Executive Clemency.

The governor shall have the power to grant reprieves and commutations to persons under sentence of death. The legislature may provide for and regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. A pardon shall relieve from civil and political disabilities unless specifically provided otherwise therein.

#### Section 5.09. Succession to the Office of Governor.

(a) **Removal, Death or Resignation of Governor.** In case of the governor's removal from office, death, or resignation the lieutenant governor shall become governor.

(b) **Removal, Death or Resignation of Governor and Lieutenant Governor.** If both the governor and the lieutenant governor be removed from office, die or resign, the unexpired terms of the governor and lieutenant governor shall be filled by a special election, except when such unexpired terms are less than one year, in which case a new governor and lieutenant governor shall not be elected until the next regular gubernatorial election. In the event of such vacancy, the office of governor shall be held and administered by the speaker of the house of representatives, the president pro tempore of the senate, attorney general, state auditor, secretary of state or state treasurer, in that order, until the new governor is elected and qualified.

(c) Vacancies due to Disability or Absence. When the governor is unable to discharge the duties of his office by reason of physical or mental disability, or when the duties are not being discharged by reason of the governor's absence from the state for twenty successive days, the power and authority of the office shall, until the governor returns to the state or regains mental competence, or relieved from other disability, devolve in the order herein named upon the lieutenant governor, the speaker of the house of representatives, the president pro tempore of the senate, attorney general, state auditor, secretary of state, or state treasurer. If any of the officers in the line of succession be under any of the disabilities herein specified, the office of the governor shall be administered in the order named by such of these officers as may be free from such disability. If the governor's disability or absence does not terminate within ninety successive days, the office of governor shall be vacant as if the governor had died.

(d) Failure of Governor to Qualify. If the governor-elect fails to qualify, the lieutenant governor-elect shall qualify and exercise the duties of governor until the governor-elect qualifies. In the event that both the governor-elect and the lieutenant governor-elect fail to qualify, the speaker of the house, the president pro tempore of the senate, the attorney general, state auditor, secretary of state, and state treasurer shall, in the order named, administer the office until the governor-elect or the lieutenant governor-elect qualifies, or until the office of governor has been filled by an election and the newly elected governor has qualified. If both the governor-elect and the lieutenant governor-elect fail to qualify within six months of the beginning of their terms of office, the unexpired term of the governor-elect and the lieutenant governor-elect shall be filled by a special election.

Section 5.10. Procedure for Determination of Incapacity of Governor.

(a) If the governor or acting governor shall appear to be unable to perform the duties of the office because of physical or mental disability or absence from the state, it shall be the duty of the supreme court upon the request in writing by the attorney general, the speaker of the house, the president pro tempore of the senate, or any one of them, not next in succession to the office of governor, to ascertain the truth of the charges. If the governor is adjudged to be unable to perform the duties of the office because of physical or mental disability, or absence from the state, it shall be the duty of the officer next in succession to perform the duties of the office until the disability is removed or until the governor returns to the state. If the incumbent denies that the disability of the governor or other person entitled to administer the office has been removed, the supreme court shall ascertain the truth concerning the same. If the disability has not continued for more than ninety successive days and has been removed, the court shall so decree, and the office shall be restored to such governor. The supreme court shall prescribe the method of taking testimony and the rules of practice in such proceedings.

(b) The physical disability of the governor to perform the duties of the office may also be established by the governor's written declaration to that effect transmitted to the officer next in line of succession and to the attorney general. If the physical disability is removed within ninety successive days, the governor may resume the office by notifying the acting governor and the attorney general. Any question concerning the governor's ability to resume the office shall be decided by the supreme court.

## Section 5.11. Compensation of Acting Governor.

The lieutenant governor, speaker of the house, president pro tempore of the senate, attorney general, state auditor, secretary of state or state treasurer, while administering the office of governor, shall receive from the state the same compensation as that prescribed by law for the governor and no other.

## Section 5.12. Lieutenant Governor, Attorney General, and Other Officers.

(a) Duties of the Lieutenant Governor. The lieutenant governor shall be ex officio president of the senate but shall have no right to vote except in the case of a tie.

(b) Qualifications of Attorney General. The attorney general shall be at least thirty years of age. Such person shall have been a qualified voter of the state of Alabama, and licensed to practice law for three years in this state, and a resident citizen thereof, for five years prior to election.

(c) The Secretary of State. The secretary of state shall be the custodian of the great seal of the state, and shall authenticate therewith all official acts of the governor, except the governor's approval of laws, resolutions, appointments to office, and administrative orders. The Secretary of State shall keep a register of the official acts of the governor, and when necessary, shall attest them, and lay copies of same together with copies of all papers relative thereto, before either house of the legislature, when required to do so, and shall perform such other duties as may be prescribed by law.

(d) State Treasurer and Auditor. The state treasurer and state auditor shall, every year, at a time fixed by the legislature make a full and complete report to the governor, showing the receipts and disbursements of every character, all claims audited and paid out, by items, and all taxes and revenues collected and paid into the treasury, and the sources thereof. They shall make reports upon any matters pertaining to their offices if required by the governor or the legislature.

(e) Removal for Insanity or Incapacity to Perform Duties. In case the lieutenant governor, attorney general, secretary of state, state auditor, state treasurer, or commissioner of agriculture and industries shall appear to be unable to perform the duties of the offices they hold because of physical or mental disability, such inability to perform such duties shall be ascertained by the supreme court upon suggestion of the governor, and if found to be insane or unable to perform such duties because of physical disability, the office shall be vacant.

## Section 5.13. Election and Term of Office of Sheriffs; Sheriff Eligible to Succeed self; Impeachment of Sheriff; Effect of Impeachment of Sheriff.

A sheriff shall be elected in each county by the qualified electors thereof who shall hold office for a term of four years unless sooner removed, and shall be eligible to hold such office for successive terms. Whenever any prisoner is taken from jail, or from the custody of any sheriff or deputy, and put to death, or suffers, grievous bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the sheriff, such sheriff may be impeached, under this constitution. If the sheriff be impeached, and thereupon convicted, such person shall not be eligible to hold any office in this state during the time for which such person had been elected or appointed to serve as sheriff.



Section 5.14. State Seal.

There shall be a seal of the state, which shall be used officially by the governor, and the seal now in use shall continue to be used until another shall have been adopted by the legislature. The seal shall be called, "The Great Seal of the State of Alabama".

2. Article 7, Sections 173 through 176 inclusive, of the Constitution of Alabama of 1901, and all provisions of the Constitution of 1901 and amendments thereto that conflict with the following article are hereby repealed and in lieu thereof the following article shall be adopted.:

ARTICLE VII  
IMPEACHMENTS

Section 7.01. Impeachment of State Officers.

(a) The governor, or acting governor, and all state officers, and judges, who are elected on a statewide basis, shall be subject to impeachment by the house of representatives for willful neglect of duty, corruption in office, or the commission of any felony offense while in office.

(b) Unless otherwise provided by law, impeachment by the house of representatives shall be tried by the senate; sitting as a court of impeachment. When sitting as a court of impeachment, the senate shall have such judicial power reasonably necessary to carry out this purpose, including the power of subpoena. No person shall be convicted by the senate without the concurrence of at least two-thirds of the members present.

(c) When the governor, lieutenant governor, or acting governor is impeached, the chief justice, or one of the associate justices of the supreme court, to be selected by it, shall preside over the senate when sitting to try an impeached officer.

(d) If at any time when the legislature is not in session, a majority of all the members elected to the house of representatives shall certify in writing to the speaker of the house their desire to meet to consider the impeachment of the governor or acting governor, it shall be the duty of the speaker of the house to summon the members of the house to assemble at the capitol to consider the impeachment of the governor or acting governor. If the house of representatives prefers articles of impeachment, the lieutenant governor or president pro tempore of the senate, if the lieutenant governor has been impeached by the house, shall summon the members of the senate to assemble at the capitol for the purpose of trying the impeached officer.

(e) An officer impeached by the house of representatives shall be disqualified from performing any official duties and receiving any compensation until such officer has been tried and acquitted; and shall be removed from office upon conviction.

Section 7.02. District Attorneys and sheriffs.

District attorneys and sheriffs may be removed from office by the supreme court for any of the causes specified in Section 7.01 (a), under such regulations as may be prescribed by law.

Section 7.03. County and City Officers.

All county officers and officers of incorporated cities and towns may be removed from office for any of the causes specified in section 7.01 (a) of this article by a court having jurisdiction to try felony cases in the county or

district in which such officers hold their office. The legislature shall provide by law the method of proceeding under this section, provided that the right of trial by jury and appeal in such cases shall be secured. This section shall not apply to the judge of any court who may be removed by procedures provided by the judicial article.

#### Section 7.04. Penalties Upon Conviction.

Any person convicted in cases arising under the three preceding sections shall be removed from office and shall be disqualified from holding any office under the state during the term for which such person was elected or appointed. But the person convicted, or acquitted, shall be subject to criminal punishment according to law.

3. Article 8, Sections 177 through 196, inclusive, of the Constitution of Alabama of 1901, and all other provisions of the Constitution of 1901 and amendments thereto, that conflict with the following article are hereby repealed and in lieu thereof the following article shall be adopted:

### ARTICLE VIII SUFFRAGE AND ELECTIONS

#### Sections 8.01. Qualifications for Voting.

Every citizen of the United States who has attained the age of eighteen years and has resided in this state and in a county thereof for the time provided by law, if registered as provided by law, shall have the right to vote in the county of residence.

#### Section 8.02. Disqualifications.

No person convicted of a felony or who is mentally incompetent, shall be qualified to vote until restoration of civil and political rights or removal of disability.

#### Section 8.03. Regulation of Elections.

The legislature shall by law provide for the registration of voters, absentee voting, secrecy in voting, the administration of elections, and the nomination of candidates.

4. Amend section 6.09 (d) of Article VI of the Constitution of 1901, as amended, as follows:

(d) The commission may submit a report to the legislature at any time within the first five calendar days of any session. If before the end of the tenth legislative day of the session to which the report is submitted, the legislature has not taken final action approving, disapproving or amending the recommendation of the commission, both houses of the legislature shall as the first order of business on the eleventh legislative day cause a vote to be taken on whether the recommendations of the commission shall be approved, disapproved, or amended. If approved, or amended, the recommendations shall become law as approved or amended. The compensation of a judge shall not be diminished during the judge's term.

5. Amend section 6.17 (b) of Article VI of the Constitution of 1901, as amended, as follows:

(b) The commission shall be convened permanently with authority to conduct investigations, receive or initiate complaints concerning any judge of a court of the judicial system of this state, excluding judges who are elected on

a state-wide basis. The commission shall file a complaint with the court of the judiciary in the event that a majority of the members of the commission decide that a reasonable basis exists, (1) to charge a judge with violation of any canon of judicial ethics, misconduct in office, failure to perform duties, or (2) to charge that the judge is physically or mentally unable to perform the duties of said office. All proceedings of the commission shall be confidential, except the filing of a complaint with the court of the judiciary. The commission shall prosecute the complaints.

6. Article 18 of the Constitution of Alabama of 1901 as amended, is hereby further amended by adding a new section thereto, as follows:

Amendments to this constitution which apply to any political subdivision or subdivisions of the state less than the whole shall be proposed and voted upon in the legislature, and the election on such amendments shall be conducted and the result proclaimed, in all respects, in the manner provided by Section 284 of this constitution, except that in the bill or resolution submitting any such amendment the legislature may direct that the election to be held thereon shall be by the qualified electors of the political subdivision or subdivisions named therein, and that the notice of the election on such amendment shall be published only in the counties or municipalities affected thereby.

Section 2. All officers filling any office by election or appointment under Article 5 of the Constitution of 1901 shall continue the duties thereof, until their offices shall have been abolished or their successors elected and qualified in accordance with this amendment, or law authorized by this amendment. No provision of this amendment, or law authorized by this amendment, shall shorten the term of any person elected to state office prior to the date on which this amendment shall become effective.

Section 3. Except to the extent inconsistent with the provisions of this amendment, all provisions of law and rules of court in force on the effective date of this amendment shall continue in effect until superceded in the manner authorized by the constitution.

Section 4. An election upon the proposed amendment is to be held on the first special, primary or general election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and Section 17-3-7 of the Code of Alabama, 1975.

Section 5. Notice of the election and of the proposed amendments shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in a county, a copy of the notice shall be posted at the courthouse and at three other places in the county.

### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 88; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Crow, Dial, Dixon, Drinkard, Edwards,

Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Hilliard, Hines, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne Pegues, Penry, Ray, Reed, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

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## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 315. ESTABLISHING JOINT INTERIM COMMITTEE ON ELECTRICITY.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 753. To provide for two clerks in the office of the tax assessor of Bullock County, Alabama; and to fix the method and basis of their employment and compensation.

And said Bill, H. B. 753, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bills:

S. 557. To provide for the crime of sexual abuse in the first degree; and to provide penalties.

Also:

S. 45. To amend Sections 2-15-40, 2-15-60 and 2-15-130, Code of Alabama 1975 so as to further define the term "livestock."

Also:

S. 41. Relating to cotton gins and the regulations thereof. To amend Section 2-19-61 of Title 2 of the Code of Alabama 1975 relating to the annual permit fee required for the operation of a cotton gin and prescribing the amount of such permit fee.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 3. To amend Section 37-1-3, Code of Alabama 1975, so as to provide that the members of the Public Service Commission shall take office the day after the general election at which they were elected.

by a majority of the whole number elected to the Senate, said vote being Yeas 29, Nays 0.

And said Bill, H. B. 3, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 378. To amend the Code of Alabama 1975, § 9-11-53, subsection (a) so as to increase the cost of resident fishing licenses, and restricting the hook and line license to the county in which the licensee resides.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Kirkland, Mitchem, and Miller.

McDOWELL LEE,  
Secretary.

S. 40 RESUMED

AMENDMENT OFFERED

Rep. Cates offered the following amendment No. 1 to the bill, S. 40 as amended:

Amend Substitute to S. B. 40 as follows:

On page six, Section 5.07 (d), in line one, after the word "called" add the words: or ordered

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hines, Holley, Horn, Howard, Johnson (R. G.),

Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

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## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 418. To amend Section 12-17-144, Code of Alabama 1975, which relates to prior service credit for benefits of supernumerary circuit clerks and registers, so as to allow circuit clerks or registers prior service credit for time spent as probate judge.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Holmes, Proctor and Teague.

McDOWELL LEE,  
Secretary.

## AMENDMENT OFFERED

Rep. Cates offered the following amendment No. 2 to the bill, S. 40 as amended:

Amend Substitute to S. B. 40 as follows:

On page five, Section 5.07 (c), in line 33 after the word "administration" delete the period, and add the following: nor shall he increase the present number of cabinet members and department heads unless provided for by the enactment of a bill into law.

## AMENDMENT TABLED

On motion of Rep. Harrison, the amendment No. 2 offered by Rep. Cates to the bill, S. 40 as amended, was tabled.

Yeas 38; Nays 16.

*Yeas:*

Reps.: Adams (C), Bedsole, Blake, Cabaniss, Campbell, Cosby, Daniels, Dixon, Grimsley, Grouby, Hammett, Harrison, Hines, Horn, Howard, Jackson, Johnson (Roy), Laird, Letson, Lewis, McMillan, Mitchell, Parker, Payne, Pegues, Penry, Ray, Roberts, Smith (J), Smith (M), Starkey, Turner, Turnham, Venable, Ward, Whatley, Wyatt and Zoghby.

—38

*Nays:*

Reps.: Brakefield, Carothers, Carter, Cates, Crow, Edwards, Gregg, Langford, McKee, Moore, Olive, Patton, Smith (C), Stewart, Trammell and Warren.

—16

AMENDMENT OFFERED

Rep. Cates offered the following amendment No. 3 to the bill, S. 40 as amended:

Amend the Substitute to S. B. 40 as follows:

On page five, in Section 5.06 (e), in line 2 after the period insert the following:

provided, however, the governor shall not veto line item appropriations after the legislature has adjourned sine die.

AMENDMENT TABLED

On motion of Rep. Venable, the amendment No. 3 offered by Rep. Cates to the bill, S. 40 as amended, was tabled.

Yeas 62; Nays 22.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carter, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Laird, Letson, McMillan, Manley, Mitchell, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sandusky, Shoemaker, Smith (J), Smith (M), Starkey, Stout, Tucker, Turner, Venable, Ward, Warren, Whatley and Willis.

—62

*Nays:*

Reps.: Amari, Bennett, Carothers, Cates, Coburn, Dixon, Edwards, Gilmer, Gregg, Hall, Holley, Johnson (Roy), Langford, McKee, Moore, Naramore, Riddick, Sasser, Seibels, Smith (C), Turnham and Wyatt.

—22

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, S. 40 as amended:

Amend Substitute for Senate Bill No. 40.

On page 4, line 33, replace the word "objechion" with the word "objection"

On page 6, line 3 replace the word "supress" with the word "suppress"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark, Cobb, Cooley, Crow, Daniels, Dial, Dixon,

Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (Y), Laird, Letson, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—81

## AMENDMENT OFFERED

Rep. Zoghby offered the following amendment to the bill, S. 40 as amended:

Amend the Substitute to the Substitute to Senate Bill 40 as follows:

On page 5, line 4, after the word "in", strike the word "his" and insert in lieu thereof the following:

the governor's

On page 5, line 22, after the word "as", strike the word "he" and insert in lieu thereof the following:

the governor

## AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 78; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Bowling, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Crow, Dial, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holley, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (Y), Laird, Langford, Letson, McMillan, Manley, Mitchell, Moore, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—78

*Nay:* Rep. Tucker.

—1

## AMENDMENT OFFERED

Rep. Lewis offered the following amendment to the bill, S. 40 as amended:

Amend Substitute Senate Bill 40 on page 2, Section 5.02, line 14 by striking the word and and inserting on line 15, between the words industries and shall "and sheriff for each county.

Also on page 9 Section 5:13 line 29 after word successor add "for one additional term,"



AMENDMENT TABLED

On motion of Rep. Venable, the amendment offered by Rep. Lewis to the bill, S. 40 as amended, was tabled.

Yeas 76; Nays 7.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark, Cobb, Coburn, Cosby, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Horn, Howard, Jackson, Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, McMillan, Manley, Mitchell, Moore, Naramore, Owens, Parker, Patton, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—76

*Nays:*

Reps.: Cooley, Dial, Johnson (R. G.), Letson, Payne, Rains and Seibels.

—7

AMENDMENT OFFERED

Rep. Smith (M) offered the following amendment to the bill, S. 40 as amended:

On line 36, page 6 after the word "of", strike the word "his" and insert in lieu thereof the word "the".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Dial, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Hilliard, Horn, Johnson (R. G.), Johnson (Roy), Kennedy (Y), Laird, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Patton, Pegues, Penry, Reed, Riddick, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Venable, Waggoner, Warren, Williams, Willis and Zoghby.

—68

*Nay:* Rep. Rains.

—1

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 446. To amend Sections 36-32-1, 36-32-5 and 36-32-7 of the Code of Alabama 1975, relating to the fire fighters' personnel standards and education commission, so as to provide for the inclusion of fire-fighting districts in the classification of fire-fighting agency; to include paid employees of fire-fighting agencies classified as rescue unit personnel and paramedics as well as fire inspectors and investigators in the classification of fire-fighting personnel; to provide for certain exemptions relating to employment; to further prescribe standards for fire-fighting personnel; and to provide for testing and certification of fire-fighting personnel, both paid and volunteer, by the commission.

Also:

H. 567. To amend § 28-3-112, Code of Alabama 1975, so that the 3% tax levied therein on manufacturers, distillers, producers or distributors of liquors doing business with the Alabama Alcoholic Beverage Control Board is repealed and to amend § 28-3-114, Code of Alabama 1975, to repeal the distribution of the proceeds of the said 3% tax and to make provisions for the distribution of filing fees and to increase said fees to \$500.00.

Also:

H. 987. To amend Section 16-13-144, Code of Alabama 1975 relating to penalties incurred by local boards of education who exceed their budget, so as to exempt said boards during years education money is prorated.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 264. To amend Alabama Code 1975, Section 5-5-1, so as to provide that where an emergency exists which might cause closing and liquidating, the Superintendent of Banks may waive the three-week publication requirement in order to permit formation of a new state bank insured by Federal Deposit Insurance Corporation which is participating in a purchase and assumption or other transaction under federal banking laws, such publication to occur after the new bank commences business; and to eliminate the requirement of the publication of the list of stockholders.

Also:

H. 453. To amend further Section 9-17-12, Code of Ala. 1975, so as to allow spacing in the case of irregular sections which exceed 640 acres and so as to allow the Board to designate drilling or production units of up to 160

acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas plus 10 percent tolerance so as to allow for irregular sections and to exceed these limitations, after notice and hearing, when it is affirmatively demonstrated that one well can drain the proposed unit and that a larger unit is justified because of technical, economic, environmental, or safety considerations, or other reasons deemed valid by the Board, and to further allow the Board, after notice and hearing, to establish units in oil and gas pools not to exceed 30 percent greater than 160 acres or one governmental quarter section in the case of oil and 640 acres or one governmental section in the case of gas, provided such action is justified by sufficient technical data indicating that such acreage or lands in excess of the aforesaid limitations is being drained or is in imminent danger of being drained and that the owners of interests in such said excess acreage or land cannot otherwise receive their just and equitable share of production from the pool, providing for the payment or recoupment of drilling and production costs; and excluding any spacing limitation with regard to offshore wells, except as may be established by said Board.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### S. 40 RESUMED

And the bill, S. 40, as thus amended, was read a third time at length and passed.

Yeas 88; Nays 5.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harrison, Harvey, Hines, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—88

*Nays:* Reps.: Cheatwood, Gilmer, Gregg, Hall and Rains.

—5

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 717. Relating to Lee County; providing for the payment of an additional expense allowance to the chairman and members of the county commission or like governing body of Lee County.

Also:

H. 928. Relating to the eleventh judicial circuit; providing for a county salary supplement for the circuit judges and the presiding district judge of the eleventh judicial circuit, and to provide the means and manner for the payment of same.

Also:

H. 782. Relating to Blount County; to provide an additional expense allowance of \$100.00 per month for the members of the county board of education.

Also:

H. 377. To amend Section 11-50-313 of the Code of Alabama 1975, relating to boards of directors of public corporations created by municipalities for the purpose of owning, operating, and financing water, sewer, gas, and electric systems, so as to further provide for payment of compensation to the chairman and other members of the board of any such public corporation created in any city located in Jefferson County.

Also:

H. 1003. To amend Section 4.04 of Act No. 452, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, Page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent Federal Census, to provide the method for determining the annual salary to be paid to the Mayor of such City.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 319. COMMENDING THE KNIGHTS OF COLUMBUS FOR THEIR EFFORTS ON BEHALF OF ALABAMA'S MENTALLY RETARDED CITIZENS AND DESIGNATING OCTOBER 12, 13 AND 14, 1979 AS "KNIGHTS OF COLUMBUS TOOTSIE ROLL DRIVE DAYS" IN ALABAMA.

Also:

H. J. R. 320. COMMENDING GENERAL TAYLOR HARDIN UPON HIS RETIREMENT AS COMMISSIONER OF THE ALABAMA DEPARTMENT OF MENTAL HEALTH.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bills.

S. 57. To amend section 11-81-16 of the Code of Alabama 1975, which authorizes pledges of certain tax proceeds and other revenues for payment of principal of and interest on bonds of a county or municipality, so as to clarify the said section by adding revenues from airport facilities to the classes of utility revenues that may be so pledged.

Also:

S. 558. To authorize and make provisions for the incorporation in any Class III municipality of an Authority as a public corporation for the purpose of providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any such Authority for certain purposes at any time, upon the authorization of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment, supplies or other personal property involving less than \$2,000 without compliance with the provisions of Act No. 217 (1967 Special Session), as amended, that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended; to make provisions respecting the establishment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority, with prior approval of the municipal governing body, for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of the following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in such county and (b) the revenues of any one or more of the transit systems of such Authority, without regard to the system or systems with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any transit system, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality,

other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such authority to be made; and to provide for the dissolution of any such Authority and the disposition of its property.

McDOWELL LEE,  
Secretary.

#### MOTION TO POSTPONE TABLED

On motion of Rep. Waggoner, the motion offered by Rep. Adams (H) to postpone the bill, S. 142 as amended by the Report of the Committee on Conference, was tabled.

Yeas 51; Nays 31.

*Yeas:*

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Clark, Cosby, Dixon, Edwards, Goodwin, Greer, Grouby, Harper (T), Hines, Holley, Horn, Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, McKee, McMillan, Minus, Mitchell, Moore, Olive, Patton, Pegues, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Stewart, Stout, Turner, Turnham, Venable, Waggoner, Warren and Zoghby.

—51

*Nays:*

Reps.: Adams (H), Albright, Blake, Bowling, Carothers, Cheatwood, Cooley, Crow, Drinkard, Ford, Gilmer, Grimsley, Hall, Harper (O), Harrison, Harvey, Hilliard, Howard, Letson, Lewis, Naramore, Nevett, Owens, Payne, Penry, Rains, Ray, Shavers, Tucker, Williams and Willis.

—31

#### S. 142 TEMPORARILY POSTPONED

On motion of Rep. Waggoner, the bill, S. 142 as amended by the Report of the Committee on Conference, was temporarily postponed.

#### MOTION TO POSTPONE TABLED

On motion of Rep. Owens, the motion offered by Rep. Harrison to temporarily postpone the bill, S. 293, was tabled.

Yeas 39; Nays 24.

*Yeas:*

Mr. Speaker, Adams (C), Bedsole, Bennett, Biddle, Carothers, Carter, Cheatwood, Clark, Daniels, Edwards, Gafford, Gilmer, Grimsley, Holley, Johnson (Roy), Letson, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Rains, Roberts, Sandusky, Sasser, Seibels, Shavers, Smith (J), Stewart, Stout, Turner, Ward, Warren, Willis and Zoghby.

—39

*Nays:*

Reps.: Blake, Brakefield, Buskey, Campbell, Cates, Cosby, Crow, Dial, Hammett, Harper (O), Harper (T), Harrison, Harvey, Horn, Jackson, Manley, Nevett, Parker, Patton, Pegues, Ray, Reed, Trammell and Williams.

—24

### PERMISSION GRANTED

Permission was granted for the Journal to show Reps. Smith (M) and Zoghby voting "Yea" on the substitute to bill, S. 40 as amended.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 906. Relating to Madison County; to provide the procedure for filling vacancies in any judgeship of any circuit or district court in the county.

Also:

H. 920. To repeal Act No. 736, H. 1861, approved October 6, 1975, Regular Session 1975 (Acts 1975, p. 1501), entitled "An Act Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act."

Also:

H. 937. Relative to Class 4 and 5, and 7 and 8 municipalities in this state having a population of not less than 25,000 and not more than 99,999 inhabitants or a population of 11,999 or less inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such

properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof.

Also:

H. 941. To repeal Act No. 735, H. 1860, approved October 6, 1975, Regular Session 1975 (Acts 1975, p. 1499), entitled "An Act Relating to counties having a population of not less than 16,245 nor more than 16,300 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act."

Also:

H. 1029. Relating to Lamar County; giving the county governing body certain powers in regard to maintaining and constructing roads and rights-of-way leading to churches, schools, cemeteries and private dwellings.

Also:

H. 1034. Relating to Shelby County; to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds; providing penalties for violations of this act; and providing that the terms of this act shall not become effective unless approved by the electors of Shelby County at a referendum election held for such purpose.

Also:

H. 1044. Relating to Lauderdale County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.



Also:

H. 1052. To alter or rearrange the boundary lines of the Town of Level Plains, Dale County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Dale County, Alabama.

Also:

H. 1053. To alter or rearrange the boundary lines of the Town of Level Plains, Dale County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Dale County, Alabama.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1054. Relating to Mobile County; to amend section 2 of Act No. 653, H. 589, approved October 2, 1975 (Acts 1975, p. 1410), pertaining to voter registration and reidentification in certain counties classified on a population basis, so as to change certain procedures for such registration and reidentification.

Also:

H. 1056. Relating to Geneva County; to provide an additional expense allowance for the chairman and members of the county commission.

Also:

H. 1057. Relating to Cherokee County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

Also:

H. 1058. Relating to Lawrence County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the Lawrence County Jail, and providing for a rehabilitation Board to supervise and administer the rehabilitation processes of this Act; to provide further for the carrying out of the provisions of this Act and to repeal all laws or parts of laws which conflict with this Act.

Also:

H. 1059. Relating to Lawrence County; to provide for the election of the chairman of the county commission; to provide for the election of a temporary acting chairman; to provide that the probate judge shall cease to serve as ex officio chairman of the county commission; and to provide for the compensation of the chairman.

Also:

H. 1060. Relating to Lawrence County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Lawrence County; and to prohibit the performance of certain work on private property and provide penalties for violations.

Also:

H. 1061. Relating to Lawrence County; to further provide for the expense allowance and compensation of the members of the county commission.

Also:

H. 1062. Relating to Geneva County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

Also:

H. 1063. Relating to Talladega County; to promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine wholesalers and wine retailers by the Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize the levy of county and municipal license fees thereon; to impose an exclusive tax on or measured by the sale of table wine in Talladega County and to provide for the collection, administration and distribution thereof; to prescribe violations and offenses, and to provide for the imposition of fines and the suspension or revocation of licenses.

Also:

H. 1065. Relating to Fayette County; to provide additional clerical help for the Probate Judge, Tax Assessor and Tax Collector and to provide said act shall take retroactive effect.

MCDOWELL LEE,  
Secretary.

#### S. 293 RESUMED

And the bill:

S. 293. To amend Section 120 of Act 407, H. B. 198, Regular Session 1971, (Acts of Alabama 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by imposing the requirement of satisfactory completion of a pre-qualification course prior to taking the written examination as provided in Section 120, paragraph (8).

Was taken up.

AMENDMENT OFFERED

Rep. Harrison offered the following amendment to the bill, S. 293:

Amend S. B. 293 on page 3, Section 1, line 7 by striking after the word of the following: forty (40) classroom and inserting in lieu thereof, the following: 10 hours.

AMENDMENT TABLED

On motion of Rep. Owens, the amendment offered by Rep. Harrison to the bill, S. 293, was tabled.

Yeas 38; Nays 33.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Biddle, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Dial, Dixon, Gilmer, Goodwin, Grimsley, Harper (O), Harper (T), Holley, Johnson (R. G.), Kelley, Letson, McKee, McMillan, Moore, Naramore, Olive, Owens, Patton, Payne, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Trammell, Turner and Waggoner.

—38

*Nays:*

Reps.: Adams (H), Albright, Blake, Bowling, Buskey, Campbell, Cates, Cobb, Coburn, Cooley, Cosby, Crow, Ford, Hammett, Harrison, Hilliard, Horn, Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), Laird, Langford, Manley, Nevett, Parker, Pegues, Rains, Smith (C), Starkey, Stewart, Warren and Wyatt.

—33

REPORT OF THE STANDING COMMITTEE ON RULES ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 377. To amend Section 11-50-313 of the Code of Alabama 1975, relating to boards of directors of public corporations created by municipalities for the purpose of owning, operating, and financing water, sewer, gas, and electric systems, so as to further provide for payment of compensation to the chairman and other members of the board of any such public corporation created in any city located in Jefferson County.

Also:

H. 717. Relating to Lee County; providing for the payment of an additional expense allowance to the chairman and members of the county commission or like governing body of Lee County.

Also:

H. 782. Relating to Blount County; to provide an additional expense allowance of \$100.00 per month for the members of the county board of education.

Also:

H. 928. Relating to the eleventh judicial circuit; providing for a county salary supplement for the circuit judges and the presiding district judge of the eleventh judicial circuit, and to provide the means and manner for the payment of same.

Also:

H. 1003. To amend Section 4.04 of Act No. 452, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, Page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent Federal Census, to provide the method for determining the annual salary to be paid to the Mayor of such City.

Also:

H. J. R. 319. COMMENDING THE KNIGHTS OF COLUMBUS FOR THEIR EFFORTS ON BEHALF OF ALABAMA'S MENTALLY RETARDED CITIZENS AND DESIGNATING OCTOBER 12, 13 AND 14, 1979 AS "KNIGHTS OF COLUMBUS TOOTSIE ROLL DRIVE DAYS" IN ALABAMA.

Also:

H. J. R. 320. COMMENDING GENERAL TAYLOR HARDIN UPON HIS RETIREMENT AS COMMISSIONER OF THE ALABAMA DEPARTMENT OF MENTAL HEALTH.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 3. To amend Section 37-1-3, Code of Alabama 1975, so as to provide that the members of the Public Service Commission shall take office the day after the general election at which they were elected.

And finds same correctly enrolled with Executive Amendment.

JACK BIDDLE, III,  
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON  
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill and House Joint Resolution, to-wit:

H. 753. To provide for two clerks in the office of the tax assessor of Bullock County, Alabama; and to fix the method and basis of their employment and compensation.

Also:

H. J. R. 315. Establishing Joint Interim Committee on Electricity.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

SIGNING OF BILL AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill and House Joint Resolution, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1067. To provide for an additional clerk hire allowance for the office of judge of probate of Greene County.

Also:

H. 1068. To create an Industrial Development Authority for Greene County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority.

Also:

H. 827. Relating To Baldwin County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

Also:

H. 978. Relating to Baldwin County; to appropriate county money to the civil air patrol, the Daphne Search and Rescue Squad and the Hub City Search and Rescue Squad.

Also:

H. 979. Relating to Baldwin County; to amend Act No. 741, H. 1148, 1978 Regular Session (Acts 1978, p. 1080) entitled "An Act Relating to Baldwin County; providing for the collection of a filing fee on instruments, documents and papers filed for records in the Probate Judge's office," so as to provide a new expiration date.

Also:

H. 982. Relating to Baldwin County; to authorize the county commission to establish a county personnel system, as recommended by the U. S. Civil Service Commission

Also:

H. 883. Relating to Montgomery County; to amend Act 401, H. 935, 1957 Regular Session (Acts 1957, p. 568) as last amended, which relates to the county road engineer, so as to regulate his right to participate in other businesses.

McDOWELL LEE,  
Secretary.

#### S. 293 RESUMED AMENDMENT OFFERED

Rep. Hilliard offered the following amendment No. 1 to the bill, S. 293:

Amend S. B. 293 on page 3, Section 1, line 7 by striking after the word of the following: forty (40) classroom and inserting in lieu thereof, the following: 5 hours

#### AMENDMENT TABLED

On motion of Rep. Owens, the amendment No. 1 offered by Rep. Hilliard to the bill, S. 293, was tabled.

Yeas 31; Nays 30.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Cabaniss, Carothers, Carter, Cheatwood, Daniels, Drinkard, Gilmer, Goodwin, Greer, Grimsley, Harvey, Howard, Johnson (R. G), Letson, McKee, McMillan, Naramore, Olive, Owens, Patton, Payne, Penry, Riddick, Roberts, Sasser, Seibels, Shoemaker and Smith (C)

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*Nays:*

Reps.: Albright, Blake, Boles, Bowling, Buskey, Cates, Dial, Edwards, Ford, Hammett, Harper (O), Hilliard, Horn, Kennedy (C), Kennedy (Y), Laird, Langford, Lewis, Manley, Moore, Nevett, Parker, Pegues, Rains, Reed, Shavers, Starkey, Trammell, Tucker and Wyatt.

—30

AMENDMENT OFFERED

Rep. Hilliard offered the following amendment No. 2 to the bill, S. 293:

Amend S. B. 293 on page 2 Section 8 line 9 by adding after institutions the following: a junior or senior college

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 55; Nays 4.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Amari, Barton, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Carothers, Cates, Cheatwood, Cobb, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Hall, Hammett, Harper (O), Harvey, Hilliard, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Rains, Roberts, Seibels, Shoemaker, Smith (J), Starkey, Trammell, Tucker, Waggoner, Warren and Willis.

—55

*Nays:* Reps. Cosby, McKee, Payne and Pegues.

—4

And the bill, S. 293, as thus amended, was read a third time at length and passed.

Yeas 50; Nays 12.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Amari, Barton, Biddle, Boles, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Cobb, Daniels, Drinkard, Ford, Gafford, Gilmer, Goodwin, Hall, Harper (O), Harvey, Hilliard, Horn, Johnson (R. G.), Johnson (Roy), Kennedy (Y), Letson, McKee, McMillan, Minus, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Reed, Riddick, Roberts, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Tucker, Waggoner, Warren and Williams.

—50

*Nays:*

Reps.: Blake, Cosby, Crow, Dial, Jackson, Kelley, Langford, Manley, Moore, Pegues, Trammell and Willis.

—12

RESOLUTIONS

The following resolution was introduced:

By Rep. Rains:

H. J. R. 323. COMMENDING JAMES CURTIS HAMBRIGHT ON HIS OUTSTANDING BOXING CAREER.

WHEREAS, native Alabamian, James Curtis Hambright, better known as Battling Bozo, has enjoyed an outstandingly notable career as a boxer and is one of the most colorful athletes Alabama has ever produced; and

WHEREAS, in his prime, which was approximately a half century ago, Battling Bozo was the number three light-heavyweight boxer of the world and twice fought and held to draws the light-heavyweight champion, Maxie Rosenbloom; and

WHEREAS, regrettably, James Curtis Hambright's illustrious career was cut short by blindness, not before, however, performing brilliantly as did such greats as Joe Louis, Petey Sarron and George Wallace in a sport that has provided Alabama with two world champions and a Golden Gloves Champion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. James Curtis Hambright on his outstanding career as a boxer, and we further unanimously voice our appreciation of his pugilistic prowess.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Hambright in token of our praise and as evidence of the high esteem in which this body holds Battling Bozo of worldwide fame, one of the all-time great sports figures in the State of Alabama.

On motion of Rep. Rains, the rules were suspended and the resolution, H. J. R. 323, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps.: Hall, Riddick, Smith (M), Gregg, Albright and Smith (J):

H. R. 324. MOURNING THE DEATH OF THOMAS NATHAN HARBIN.

And the bill:

S. 165. To amend Section 9-11-237 of the Code of Alabama 1975, so as to increase the minimum and maximum amount of the fine for any person, firm or corporation convicted of selling, offering or exposing for sale, buying, purchasing, bartering or exchanging anything of value for any game bird or game animal or any part thereof.

Was read a third time at length and passed.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Bedsole, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Carothers, Carter, Cheatwood, Cobb, Cosby, Daniels, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Hall, Hammett, Harper (O), Harvey, Hilliard, Hines, Holley, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Langford, Letson, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Waggoner and Warren.



REPORT OF CONFERENCE COMMITTEE  
ON H. B. 378

We, the Committee on Conference appointed to reconcile the difference between the two Houses concerning House Bill 378, have met, considered the matter, and agreed on the bill as substituted and amended, and further amend by adding the following Section 2 and renumbering Section 2 and Section 3 to read Section 3 and Section 4:

Section 2. All monies received under the provisions of this Act for the fiscal year ending September 30, 1980, are hereby allotted, appropriated and released to the Department of Conservation and Natural Resources, Division of Game and Fish, and may be used by the Commissioner of the Department of Conservation and Natural Resources for all purposes reasonably necessary in the administration of the Game and Fish program; and thereafter such monies shall be appropriated from time to time by the legislature through the general appropriation bill.

JOHN M. McMILLAN, JR.,

JAMES E. WARREN,

TOMMY CARTER,

Conferees on the part of the House.

REO KIRKLAND, JR.,

HINTON MITCHEM,

WALLACE MILLER,

Conferees on the part of the Senate.

REPORT OF COMMITTEE ON CONFERENCE ADOPTED

On motion of Rep. McMillan, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 378, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 52; Nays 0.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Blake, Buskey, Cabaniss, Campbell, Carter, Cobb, Cosby, Daniels, Dial, Dixon, Edwards, Gilmer, Goodwin, Greer, Grimsley, Harper (O), Harper (T), Harvey, Hines, Jackson, Johnson (R. G.), Kelley, Kennedy (C), Kennedy (Y), Langford, Letson, McMillan, Manley, Minus, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Starkey, Stewart, Stout, Turner and Turnham.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 378. To amend the Code of Alabama 1975, § 9-11-53, subsection (a) so as to increase the cost of resident fishing licenses, and restricting the hook and line license to the county in which the licensee resides.

As amended by the Report of the Committee on Conference was again read at length and passed.

Yeas 61; Nays 0.

*Yeas:*

Mr. Speaker, Amari, Barton, Bedsole, Biddle, Blake, Buskey, Cabaniss, Campbell, Carter, Cobb, Cosby, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Johnson (R. G.), Kelley, Kennedy (C), Kennedy (Y), Langford, Letson, Lewis, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turner, Turnham and Waggoner.

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And the bill:

S. 369. (With Amendments): To amend Code of Alabama, 1975, §5-9-40 through §5-9-43 to authorize any banking corporation or trust company organized under the laws of this state to convert into and merge or consolidate with a national banking association without the approval of any state authority but with the consent of the holders of a majority in amount of its stock, to provide that stockholders' meetings for such purposes be called by resolution of the board of directors, to provide the procedure for notice or waiver of notice to stockholders of such meetings, to provide for the vesting in such national banking association of all of the rights, title to, and interest in the property of such state banking corporation or trust company, and for the exercise by such national banking association of all the rights, duties and obligations of such state banking corporation or trust company in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust and in respect to any executorship, trusteeship, administration of estate or other similar fiduciary relation, to provide that the rights of dissenting shareholders be governed by the applicable laws of Congress, to entitle dissenting shareholders to receive in cash the value of their shares in the state bank, to provide that any bank, whether a national or a state bank, surviving or resulting from a merger, conversion or consolidation (defined as a "reorganization") may, regardless of the county of location of the principal office of such bank, continue to maintain and operate all banking offices maintained and operated at the time of said reorganization and with appropriate regulatory approval, thereafter establish and operate additional banking offices in counties where banking offices are maintained at the time of the reorganization to the same extent that the bank which was a part to said reorganization could, under laws in effect at the time of the proposed establishment, have established additional banking offices had it not participated in such reorganization, to provide that this Act shall not be deemed to confer upon a bank resulting from or surviving a reorganization the right to establish additional banking offices which could not have been established by a bank which was a party thereto had such reorganization not occurred, to repeal inconsistent laws, and to provide that the provisions of this Act shall be severable.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Banking, said committee amendment being as follows:

Amend S. B. 369 on lines 7 through 28, on page 3, by deleting said lines in their entirety and substituting in lieu thereof the following, viz:

"§ 5-9-41.

"All meetings of stockholders, called for any of the purposes provided for in section 5-9-40, shall be called by resolution of the board of directors. Notice of such meeting and of the purposes thereof shall be published once a week for 30 days four consecutive weeks prior to the date of such meeting in some newspaper published in the city, town or village in which the principal place of business of said state banking corporation or trust company is located, but if no daily or weekly newspaper is published in such place, then the publication shall be made in a newspaper published nearest thereto."

MOTION TO TABLE LOST

The motion offered by Rep. Johnson (Roy) to table the amendment No. 1 reported by the Standing Committee on Banking, was lost.

Yeas 39; Nays 53.

*Yeas:*

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cobb, Cooley, Dixon, Gafford, Greer, Hall, Harper (T), Howard, Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), Lewis, McKee, Mitchell, Naramore, Patton, Payne, Ray, Reed, Sandusky, Stewart, Tucker, Waggoner, Ward, Whatley, Wyatt and Zoghby.

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*Nays:*

Mr. Speaker, Adams (H), Blake, Boles, Bowling, Cates, Cheatwood, Clark, Coburn, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harvey, Hines, Holley, Johnson (R. G.), Kelley, Langford, Letson, Manley, Minus, Moore, Nevett, Olive, Owens, Pegues, Penry, Rains, Riddick, Roberts, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Trammell, Turnham, Venable, Warren, Williams and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolution, your signature thereto is requested:

S. 41. Relating to cotton gins and the regulations thereof. To amend Section 2-19-61 of Title 2 of the Code of Alabama 1975 relating to the annual permit fee required for the operation of a cotton gin and prescribing the amount of such permit fee.

Also:

S. 45. To amend Sections 2-15-40, 2-15-60 and 2-15-130, Code of Alabama 1975 so as to further define the term "livestock."

Also:

S. 557. To provide for the crime of sexual abuse in the first degree; and to provide penalties.

Also:

S. 571. Relating to Autauga County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

Also:

S. 599. To set the compensation of the tax collector of Etowah County.

Also:

S. 618. To amend Act No. 366, S. 472, 1978 Regular Session (Acts 1978, p. 309) entitled "An Act Relating to Limestone County; providing for the compensation and expense allowance of certain county officers," so as to provide further for said compensation and to give this act retroactive effect.

Also:

S. 619. Relating to Limestone County; to provide an additional expense allowance for certain elected county officers.

Also:

S. 635. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Shelby County; to provide that witnesses may be subpoenaed by United States mail in the county under certain conditions.

Also:

S. J. R. 103. TO ESTABLISH AN INTERIM COMMITTEE TO STUDY THE PURCHASE OF THE WEST END OF DAUPHIN ISLAND AS A STATE PARK.

Also:

S. 57. To amend section 11-81-16 of the Code of Alabama 1975, which authorizes pledges of certain tax proceeds and other revenues for payment of principal of and interest on bonds of a county or municipality, so as to clarify the said section by adding revenues from airport facilities to the classes of utility revenues that may be so pledged.

Also:

S. 558. To authorize and make provisions for the incorporation in any Class III municipality of an Authority as a public corporation for the purpose of providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the

governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any such Authority for certain purposes at any time, upon the authorization of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment, supplies or other personal property involving less than \$2,000 without compliance with the provisions of Act No. 217 (1967 Special Session), as amended, that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended; to make provisions respecting the establishment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority, with prior approval of the municipal governing body, for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of either or both of the following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in such county and (b) the revenues of any one or more of the transit systems of such Authority, without regard to the system or systems with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any transit system, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of

Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such authority to be made; and to provide for the dissolution of any such Authority and the disposition of its property.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolution, the titles of which are set out in the above and foregoing Message from the Senate.

#### MOTION TO POSTPONE

Rep. Lewis offered the motion to temporarily postpone the bill, S. 369 with pending amendments.

#### SUBSTITUTE MOTION TO INDEFINITELY POSTPONE

Rep. Cates offered the substitute motion to indefinitely postpone the bill, S. 369 with pending amendments.

#### SUBSTITUTE MOTION TO SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Johnson (Roy) to temporarily postpone the bill, S 369 with pending amendments, to the substitute motion offered by Rep. Cates, was lost.

Yeas 41; Nays 52.

*Yeas:*

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cobb, Cooley, Crow, Dixon, Gafford, Greer, Hall, Harper (T), Holley, Howard, Johnson (Roy), Kennedy (C), Kennedy (Y), Langford, Lewis, McKee, Mitchell, Naramore, Olive, Patton, Reed, Sandusky, Seibels, Starkey, Stewart, Tucker, Waggoner, Wyatt and Zoghby.

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*Nays:*

Mr. Speaker, Adams (H), Blake, Boles, Carothers, Cates, Cheatwood, Clark, Coburn, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harvey, Hines, Holmes, Johnson (R. G.), Kelley, Letson, Manley, Minus, Moore, Nevett, Owens, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stout, Trammell, Turnham, Venable, Ward, Warren, Williams and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 825. To provide for the establishing of a Solicitor's and District Attorney's Fund in the seventeenth judicial circuit; to provide that all solicitor's and district attorney's fees taxed as costs and collected in all criminal cases in all courts in said circuit shall be paid by the clerks of said courts into the Solicitor's and District Attorney's Fund; and to authorize certain expenditures from said fund.

Also:

H. 826. To provide for an expense allowance for the judge of the 17th judicial circuit to be paid by the counties comprising the circuit.

Also:

H. 888. Relating to Choctaw County; to provide for certain annual increases in the salaries of the members of the county commission during the next four fiscal years and to provide certain expense allowances for such members with such increases and allowances payable from the county general fund.

Also:

H. 909. To repeal Act No. 669, H. 1382, Regular Session 1975 (Acts 1975, p. 1425), entitled, "An Act Relating to counties having a population not less than 115,000 nor greater than 150,000, according to the latest federal decennial census; providing that the sheriff in such counties shall receive \$350 per month expense allowance, to become salary at the end of the present incumbent's term of office."

Also:

H. 910. Relating to Tuscaloosa County; providing that the sheriff of said county shall receive an additional \$400 per month expense allowance, to become salary at the end of the present incumbent's term of office.

Also:

H. 964. Relating to Pickens County; giving the County Commission certain powers in regard to maintaining roads and driveways leading to residences on private property, to churches and to cemeteries.

Also:

H. 1041. Relating to Sumter County; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing those procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

Also:

H. 1035. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Pennington, in Choctaw County.

Also:

H. 1042. Relating to law enforcement in Sumter County; to amend Act No. 2464, H. 2846, 1971 Regular Session, (Acts 1971, p. 3929), so as to fix the fee for issuance of pistol permits; to provide for the disposition of such fees; to provide that the provisions of this Act shall be severable; and to repeal all laws or parts of laws in conflict with this Act.

Also:

H. 1045. To amend Sections 40-28-1 through 40-28-3, Code of Alabama 1975, which provide for the distribution of in-lieu-of-taxes payments by the Tennessee Valley Authority to counties served by the Tennessee Valley Authority and to dry counties not served by the Tennessee Valley Authority, so as to provide further for said distribution.

Also:

H. 926. Authorizing the county commission, or like governing body, of any county to borrow the necessary funds to operate the said county in the event the tax collector is unable to collect taxes; providing when such loans may be made, for the issuance of certificates covering such loans and for the pledge of uncollected taxes to pay such loans; prescribing the maximum interest rates applicable to such loans and the dates on which such loans would be payable; limiting the use of the proceeds of such loans; providing for the registration, payment, cancellation and exemption from taxation of such certificates; requiring each such county to comply with the debt limitation of Amendment 342 to the Constitution of 1901, as amended; and repealing conflicting laws.

Also:

H. 55. To amend Section 40-17-31, Code of Alabama 1975, which relates to the excise tax on gasoline, so as to increase the minimum amount of annually accumulated excise tax proceeds on aviation fuel, upon which the commissioner of revenue grants a percentage tax reduction.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 953. To provide for a cost-of-living increase for all state employees and officials, including certain judges under certain circumstances, and certain other officials; to provide for revision of pay rates by the State Personnel Director and by the Administrative Director of Courts; to provide for the conditions prior to the granting of the conditional cost-of-living increase hereby authorized; to otherwise provide for and identify the funds from which said cost-of-living increase shall be paid and to appropriate such



additional funds as may be necessary to pay such increase, subject to the condition of the state treasury and/or the availability of monies otherwise appropriated for any purpose during the fiscal year ending September 30, 1980.

And said Bill, H. B. 953, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

S. 369 RESUMED

SUBSTITUTE MOTION ADOPTED

The question was then on the substitute motion offered by Rep. Cates to indefinitely postpone the bill, S. 369 with pending amendments and the substitute motion was adopted.

Yeas 50; Nays 48.

*Yeas:*

Mr. Speaker, Adams (H), Blake, Boles, Carothers, Cates, Cheatwood, Clark, Coburn, Cooley, Daniels, Dial, Drinkard, Edwards, Ford, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Hines, Holley, Holmes, Johnson (R. G.), Kelley, Langford, Letson, Manley, Minus, Moore, Nevett, Owens, Patton, Penry, Rains, Ray, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Turner, Turnham, Venable, Ward, Warren, Williams and Willis.

—50

*Nays:*

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cobb, Cosby, Crow, Dixon, Gafford, Gilmer, Hall, Harper (T), Harvey, Hilliard, Horn, Howard, Jackson, Johnson (Roy), Kennedy (C), Kennedy (Y), Lewis, McKee, Mitchell, Naramore, Olive, Parker, Payne, Reed, Riddick, Roberts, Sandusky, Seibels, Starkey, Stewart, Stout, Trammell, Tucker, Waggoner, Whatley, Wyatt and Zoghby.

—48

S. 369 INDEFINITELY POSTPONED

On substitute motion of Rep. Cates, the bill, S. 369 with pending amendments, was indefinitely postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 483. To provide further for the compensation of circuit judges.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Clark, the House concurred in and adopted the Senate amendment to the bill, H. 483, said Senate amendment being as follows:

Amend House Bill 483, line 29 by adding the following sections;

Section 4. Any salary supplement received by any circuit judge or district attorney which now exceeds \$11,000, or because of the passage of this bill will exceed such sum, is hereby reduced to the sum of \$11,000.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Renumber remaining section accordingly.

Also, on page 1, line 17 by inserting after the word "judges" the following:  
and district attorneys

Yeas 60; Nays 1.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Blake, Boles, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cobb, Cooley, Cosby, Daniels, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Holley, Horn, Howard, Johnson (Roy), Kennedy (C), Kennedy (Y), Letson, Manley, Moore, Naramore, Nevett, Olive, Pegues, Rains, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Venable, Williams, Wyatt and Zoghby.

—60

*Nay:* Rep. Dial.

—1

And the bill:

H. 483. To provide further for the compensation of circuit judges and district attorneys.

As thus amended, was again read at length and passed.

Yeas 80; Nays 5.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Edwards, Gilmer, Goodwin, Greer, Gregg, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, McMillan, Manley, Minus, Mitchell, Nevett, Parker, Patton, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—80

*Nays:* Reps.: Dial, Drinkard, Ford, Johnson (Roy) and Stout.

—5

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 906. Relating to Madison County; to provide the procedure for filling vacancies in any judgeship of any circuit or district court in the county.

Also:

H. 920. To repeal Act No. 736, H. 1861, approved October 6, 1975, Regular Session 1975 (Acts 1975, p. 1501), entitled "An Act Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act."

Also:

H. 937. Relative to Class 4 and 5, and 7 and 8 municipalities in this state having a population of not less than 25,000 and not more than 99,999 inhabitants or a population of 11,999 or less inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by an governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof.

Also:

H. 941. To repeal Act No. 735, H. 1860 approved October 6, 1975, Regular Session 1975 (Acts 1975, p. 1499), entitled "An Act Relating to counties having a population of not less than 16,245 nor more than 16,300

inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act."

Also:

H. 1029. Relating to Lamar County; giving the county governing body certain powers in regard to maintaining and constructing roads and rights-of-way leading to churches, schools, cemeteries and private dwellings.

Also:

H. 1034. Relating to Shelby County; to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds; providing penalties for violations of this act; and providing that the terms of this act shall not become effective unless approved by the electors of Shelby County at a referendum election held for such purpose.

Also:

H. 1044. Relating to Lauderdale County; to provide further for the distribution of the payments made in lieu of ad valorem taxes by the Tennessee Valley Authority as authorized by Section 40-28-2, Code of Alabama 1975.

Also:

H. 1052. To alter or rearrange the boundary lines of the Town of Level Plains, Dale County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Dale County, Alabama.

Also:

H. 1053. To alter or rearrange the boundary lines of the Town of Level Plains, Dale County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Dale County, Alabama.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 827. Relating to Baldwin County; to provide a procedure for handling cases involving invalid personal checks given for licenses, and the voiding of such licenses.

Also:

H. 883. Relating to Montgomery County; to amend Act 401, H. 935, 1957 Regular Session (Acts 1957, p. 568) as last amended, which relates to the county road engineer, so as to regulate his right to participate in other businesses.

Also:

H. 978. Relating to Baldwin County; to appropriate county money to the civil air patrol, the Daphne Search and Rescue Squad and the Hub City Search and Rescue Squad.

Also:

H. 979. Relating to Baldwin County; to amend Act No. 741, H. 1148, 1978 Regular Session (Acts 1978, p. 1080) entitled "An Act Relating to Baldwin County; providing for the collection of a filing fee on instruments, documents and papers filed for records in the Probate Judge's office." so as to provide a new expiration date.

Also:

H. 982. Relating to Baldwin County; to authorize the county commission to establish a county personnel system, as recommended by the U. S. Civil Service Commission.

Also:

H. 1067. To provide for an additional clerk hire allowance for the office of judge of probate of Greene County.

Also:

H. 1068. To create an Industrial Development Authority for Greene County for the purpose of promoting industry and trade and the development of said county; to provide for the organization, powers, functions, duties and personnel of such Authority and to provide for the payment of the expenses of such Authority.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 1054. Relating to Mobile County; to amend section 2 of Act No. 653, H. 589, approved October 2, 1975 (Acts 1975, p. 1410), pertaining to voter registration and reidentification in certain counties classified on a population basis, so as to change certain procedures for such registration and reidentification.

Also:

H. 1056. Relating to Geneva County; to provide an additional expense allowance for the chairman and members of the county commission.

Also:

H. 1057. Relating to Cherokee County; authorizing the county commission to levy a special county privilege license and excise tax paralleling the state sales and use taxes provided for in Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the State Department of Revenue; providing for the distribution and use of the proceeds; and providing penalties for violations of this Act.

Also:

H. 1058. Relating to Lawrence County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the Lawrence County Jail, and providing for a rehabilitation Board to supervise and administer the rehabilitation processes of this Act; to provide further for the carrying out of the provisions of this Act and to repeal all laws or parts of laws which conflict with this Act.

Also:

H. 1059. Relating to Lawrence County; to provide for the election of the chairman of the county commission; to provide for the election of a temporary acting chairman; to provide that the probate judge shall cease to serve as ex officio chairman of the county commission; and to provide for the compensation of the chairman.

Also:

H. 1060. Relating to Lawrence County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Lawrence County; and to prohibit the performance of certain work on private property and provide penalties for violations.

Also:

H. 1061. Relating to Lawrence County; to further provide for the expense allowance and compensation of the members of the county commission.

Also:

H. 1062. Relating to Geneva County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

Also:

H. 1063. Relating to Talladega County; to promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine wholesalers and wine retailers by the Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize the levy of county and municipal license fees thereon; to impose an exclusive tax on or measured by the sale of table wine in Talladega County and to provide for the collection, administration and distribution thereof; to prescribe violations and offenses, and to provide for the imposition of fines and the suspension or revocation of licenses.

Also:

H. 1065. Relating to Fayette County; to provide additional clerical help for the Probate Judge, Tax Assessor and Tax Collector and to provide said act shall take retroactive effect.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### RESOLUTIONS

The following resolutions were introduced:

By Reps. Manley, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels,

Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. R. 325. WISHING MRS. JOSEPH C. McCORQUODALE, JR., A SPEEDY RECOVERY.

WHEREAS, members of the Alabama House of Representatives are distressed to learn that our friend, Betty McCorquodale, lovely wife of Speaker Joe McCorquodale, has hospitalized for treatment of injuries received as a result of a recent automobile accident; and

WHEREAS, we are pleased to note, however, that her injuries were neither serious nor permanent and that the prognosis is excellent for her complete and early recovery; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we earnestly beseech continued improvement for Mrs. Betty McCorquodale, a lovely, warm and gracious lady whose friendship we treasure and whose well-being is now especially in our hearts and minds.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mrs. McCorquodale that she may know of our warm and sincere best wishes for her early recovery.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 325, was adopted.

Also:

By Rep. Minus:

H. J. R. 326. EXPRESSING LEGISLATIVE INTENT REGARDING THE STATE DUCK STAMP.

WHEREAS, House Bill 296 has passed both Houses; and

WHEREAS, this Bill states that a stamp shall be issued to each hunting license applicant upon written request to the judge of probate or issuing officer of any county of the state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That an Alabama artist who is qualified to do so be designated to design the "Alabama State Duck Stamp".

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 326, was adopted.

Also:

By Reps.: Manley and Campbell:

H. J. R. 327. COMMENDING REGINALD T. HAMNER, EXECUTIVE DIRECTOR, ALABAMA STATE BAR, FOR HIS SERVICE AS PRESIDENT OF THE NATIONAL ASSOCIATION OF BAR EXECUTIVES.

WHEREAS, Reginald T. Hamner of Montgomery, Alabama, Executive Director of the Alabama State Bar, presently serves as President of the National Association of Bar Executives, he is the first Alabamian in thirty-eight years to serve in this prestigious position, only the fourth Southerner



and the first Southerner since 1970 to serve in such capacity; he has also served as Treasurer, Vice President, President-Elect and as a member of the Executive Committee of the Association; and,

WHEREAS, a native of Tuscaloosa, Mr. Hamner was educated in the public schools of that county and is a graduate of the University of Alabama and of its School of Law; prior to military service as Assistant Staff Judge Advocate, he was Law Clerk to the Honorable Pelham J. Merrill, Associate Justice, Alabama Supreme Court, and following his discharge from the United States Air Force as a Captain in 1968 he served as Director of Legal-Legislative Affairs for the Medical Association, State of Alabama; and

WHEREAS, he was admitted to practice before the Supreme Court of Alabama in 1965, the U.S. District Court for the Middle District of Alabama in 1966, the U.S. Court of Appeals for the Fifth Circuit in 1966, the U.S. Court of Military Appeals in 1968 and the Supreme Court of the United States in 1968; and

WHEREAS, in 1969, Mr. Hamner became Executive Director of the Alabama State Bar, at which time he was the youngest executive director of a state bar in the nation and the youngest person ever to head a state bar; and

WHEREAS, other professional affiliations include membership and active involvement in the American Bar Association, the American Society of Association Executives, earning the Certified Association Executive designation in 1975 through national examination to become one of only five association executives in Alabama to hold this designation and one of only seven bar executives to hold this rating nationwide; and

WHEREAS, he also is a member of the American Judicature Society, Alabama Council of Association Executives, Alabama Law Institute of which he is a council member, the Judicial Conference of the U.S. Fifth Circuit Court of Appeals, Alpha Epsilon Delta Honor Society, Phi Alpha Delta Legal Fraternity, Delta Tau Delta Social Fraternity, the First Baptist Church of Montgomery which he serves as a member of the Board of Deacons, and numerous other civic and charitable organizations;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize and commend Reginald T. Hamner for his distinguished professional career and especially for his service as President of the National Association of Bar Executives.

BE IT FURTHER RESOLVED That a copy of this resolution be presented to Reginald T. Hamner in recognition of his service to his profession.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 327, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

Reps. Sandusky, Harper (T), Bedsole, Kennedy (C), Stewart, Zoghby, Turner, Kennedy (Y), Parker, McMillan and Buskey:

H. R. 328. Resolution endorsing the U.S. Corps of Engineers proposed navigation improvements for Mobile Harbor.

Also:

By Rep. Owens:

H. R. 329. COMMENDING THE BIBB COUNTY COMMISSION FOR EFFORT OF EXCELLENCE IN HISTORIC PRESERVATION.

And the bill:

S. 389. To provide a conditional appropriation from the state treasury to the use of the Board of Trustees of the University of Alabama in Birmingham for capital outlay purposes.

Was taken up.

#### AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, S. 389:

Amend S. B. 389 on page 1, line 35, by adding the following new Section and renumbering all subsequent sections accordingly:

Section : This appropriation shall not be authorized until funding is provided for the Education Appropriation Bill (H. 386) and appropriations for Marion Institute (H. 388), Tuskegee (H. 389), Talladega (H. 390), Walker Junior College (H. 391), and Lyman Ward (H. 392); and funding is also provided for H. 580, the seven percent (7%) cost-of-living pay raise authorized by the 1979 Regular Session of the Alabama Legislature.

#### AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 43; Nays 6.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Amari, Blake, Brakefield, Carter, Cobb, Coburn, Cooley, Edwards, Greer, Grimsley, Hall, Hammett, Harper (O), Harvey, Hines, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, McKee, McMillan Manley, Naramore, Olive, Owens, Patton, Pegues, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Stewart, Stout, Turner and Warren.

—43

*Nays:*

Reps.: Cheatwood, Gafford, Nevett, Rains, Turnham and Wyatt.

—6

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO POSTPONE TABLED

On motion of Rep. Owens, the motion offered by Rep. Turner to temporarily postpone the bill, S. 389 as amended, was tabled.

Yeas 51; Nays 10.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Biddle, Blake, Brakefield, Cabaniss, Carter, Cheatwood, Edwards, Gafford, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Hilliard, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Pegues, Rains, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Stewart, Trammell, Tucker, Waggoner, Warren and Willis.

—51

*Nays:*

Reps.: Coburn, Cooley, Gilmer, Harvey, Naramore, Patton, Shavers, Turner, Whatley and Wyatt.

—10

#### SUBSTITUTE OFFERED

Rep. Turnham offered the following substitute to the bill, S. 389 as amended:

#### A BILL TO BE ENTITLED AN ACT

To provide a conditional appropriation from the state treasury to the use of the Board of Trustees of the University of Alabama in Birmingham for capital outlay purposes and to the Board of Trustees of Auburn University for capital outlay purposes on the main campus.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of \$500,000.00, or so much thereof as may become available as herein provided, is hereby appropriated from the Special Educational Trust Fund in the state treasury, to the use of the Board of Trustees of the University of Alabama in Birmingham for capital outlay to complete internal construction of the sixth floor of the Diabetes Hospital. In addition, the sum of \$500,000.00 or as much as may become available, is hereby appropriated to the Auburn University Board of Trustees for use as matching funds for Animal Health and Disease Research facilities on the main campus. The above appropriation shall be paid from the Special Educational Trust Fund. Such appropriation is conditional upon the condition of the state treasury and approval of the Governor.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### SUBSTITUTE TABLED

On motion of Rep. Owens, the substitute offered by Rep. Turnham to the bill, S. 389 as amended, was tabled.

Yeas 50; Nays 13.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Biddle, Boles, Brakefield, Buskey, Cabaniss, Carothers, Cheatwood, Cooley, Dial, Dixon, Gafford, Greer, Hall,

Harper (T), Hilliard, Hines, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Patton, Pegues, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Stewart, Stout, Trammell, Tucker, Turner, Waggoner, Williams, Willis and Wyatt.

—50

*Nays:*

Reps.: Blake, Coburn, Edwards, Gilmer, Goodwin, Hammett, Holley, Langford, McKee, Reed, Turnham, Ward and Whatley.

—13

And the bill, S. 389, as thus amended, was read a third time at length and passed.

Yeas 63; Nays 6.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Crow, Dial, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Harper (O), Harper (T), Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy (C), Kennedy (Y), Laird, Langford, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Pegues, Rains, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Stewart, Trammell, Tucker, Turner, Turnham, Waggoner, Warren, Williams and Willis.

—63

*Nays:*

Reps.: Coburn, Hammett, Harvey, Kelley, Patton and Stout.

—6

## RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Tucker:

H. R. 330. CITING FOR MERIT MR. CHARLES A. BROWN FOR HIS MANY ENDEAVORS AND ACCOMPLISHMENTS IN RELIGIOUS AND EDUCATIONAL FIELDS.

And the bill:

S. 477. To amend sections 32-9-20, 32-9-21 and 32-9-25 of the Code of Alabama 1975 relating to the length restrictions of certain motor vehicles so as to exclude approved detachable wind deflection devices from such restrictions.

Was read a third time at length and passed.

Yeas 64; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Crow, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Patton, Payne, Pegues, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Stewart, Stout, Trammell, Turner, Turnham, Waggoner, Warren, Williams, Willis and Wyatt.

—64

And the bill:

S. 442. To amend Section 36-27-21.1 of the Code of Alabama 1975, relating to supplemental retirement benefits, to provide that the annual amount required to fund the supplemental benefit enacted in 1978 for those persons who retired pursuant to provisions of the Employees' Retirement System of Alabama, but whose employer was a local board of education or a state institution of higher education, all of whose employees are presently by law required to become members of the Teachers' Retirement System of Alabama, be paid to the Employees' Retirement System, by appropriation from the Alabama Special Educational Trust Fund.

Was taken up.

Rep. Owens offered the motion to suspend the rules in order to vote on passage of the bill, S. 442.

#### DIVISION OF THE QUESTION

Rep. Johnson (Roy) called for the Division of the Question and the call was sustained.

#### SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Greer, to temporarily postpone the bill, S. 442, was adopted.

Yeas 39; Nays 27.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Blake, Buskey, Carothers, Carter, Daniels, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Kelley, Kennedy (Y), McKee, McMillan, Minus, Moore, Olive, Owens, Payne, Pegues, Rains, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (J), Willis and Zoghby.

—39

*Nays:*

Reps.: Albright, Bowling, Brakefield, Cheatwood, Crow, Dixon, Hilliard, Holley, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy (C), Laird, Langford, Naramore, Nevett, Patton, Sandusky, Shavers, Stout, Trammell, Tucker, Turner, Warren and Wyatt.

—27

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 55. To amend Section 40-17-31, Code of Alabama 1975, which relates to the excise tax on gasoline, so as to increase the minimum amount of annually accumulated excise tax proceeds on aviation fuel, upon which the commissioner of revenue grants a percentage tax reduction.

Also:

H. 825. To provide for the establishing of a Solicitor's and District Attorney's Fund in the seventeenth judicial circuit; to provide that all solicitor's and district attorney's fees taxes as costs and collected in all criminal cases in all courts in said circuit shall be paid by the clerks of said courts into the Solicitor's and District Attorney's Fund; and to authorize certain expenditures from said fund.

Also:

H. 826. To provide for an expense allowance for the judge of the 17th judicial circuit to be paid by the counties comprising the circuit.

Also:

H. 888. Relating to Choctaw County; to provide for certain annual increases in the salaries of the members of the county commission during the next four fiscal years and to provide certain expense allowances for such members with such increases and allowances payable from the county general fund.

Also:

H. 909. To repeal Act No.669, H. 1382, Regular Session 1975 (Acts 1975, p. 1425), entitled, "An Act Relating to counties having a population not less than 115,000 nor greater than 150,000, according to the latest federal decennial census; providing that the sheriff in such counties shall receive \$350 per month expense allowance, to become salary at the end of the present incumbent's term of office."

Also:

H. 910. Relating to Tuscaloosa County; providing that the sheriff of said county shall receive an additional \$400 per month expense allowance, to become salary at the end of the present incumbent's term of office.

Also:

H. 926. Authorizing the county commission, or like governing body, of any county to borrow the necessary funds to operate the said county in the event the tax collector is unable to collect taxes; providing when such loans may be made, for the issuance of certificates covering such loans and for the pledge of uncollected taxes to pay such loans; prescribing the maximum interest rates applicable to such loans and the dates on which such loans would be payable; limiting the use of the proceeds of such loans; providing for the registration, payment, cancellation and exemption from taxation of such certificates; requiring each such county to comply with the debt limitation of Amendment 342 to the Constitution of 1901, as amended; and repealing conflicting laws.

Also:

H. 964. Relating to Pickens County; giving the County Commission certain powers in regard to maintaining roads and driveways leading to residences on private property, to churches and to cemeteries.

Also:

H. 1035. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Pennington, in Choctaw County.

Also:

H. 1041. Relating to Sumter County; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing those procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

Also:

H. 1042. Relating to law enforcement in Sumter County; to amend Act No. 2464, H. 2846, 1971 Regular Session, (Acts 1971, p. 3929), so as to fix the fee for issuance of pistol permits; to provide for the disposition of such fees; to provide that the provisions of this Act shall be severable; and to repeal all laws or parts of laws in conflict with this Act.

Also:

H. 1045. To amend Sections 40-28-1 through 40-28-3, Code of Alabama 1975, which provide for the distribution of in-lieu-of-taxes payments by the Tennessee Valley Authority to counties served by the Tennessee Valley Authority and to dry counties not served by the Tennessee Valley Authority, so as to provide further for said distribution.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 953. To provide for a cost-of-living increase for all state employees and officials, including certain judges under certain circumstances, and certain other officials; to provide for revision of pay rates by the State

Personnel Director and by the Administrative Director of Courts; to provide for the conditions prior to the granting of the conditional cost-of-living increase hereby authorized; to otherwise provide for and identify the funds from which said cost-of-living increase shall be paid and to appropriate such additional funds as may be necessary to pay such increase, subject to the condition of the state treasury and/or the availability of monies otherwise appropriated for any purpose during the fiscal year ending September 30, 1980.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

### RESOLUTION

The following resolution was introduced:

By Reps. Gafford, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

H. R. 331. A RESOLUTION COMMENDING MRS. HAZEL ROBERTSON PEPPERMAN AND FOR OTHER PURPOSES.

WHEREAS, Mrs. Hazel Robertson Pepperman has served the Alabama House of Representatives dutifully for 18 years, and;

WHEREAS, Mrs. Pepperman has faithfully recorded the activities of the House Banking Committee for 8 years, and;

WHEREAS, Mrs. Pepperman is now completing her last legislative day as an employee of the Alabama House and the Banking Committee, and;

WHEREAS, it will be impossible to replace the efficiency exhibited by Mrs. Shepperman, and the friendship shown to everyone with whom she had contact, and;

WHEREAS, her departure will not only signal the end of an illustrious career, but retirement from public service that began when she was employed by Dr. Dannelly with the Extension Center while a University of Alabama student in the 1930's: now therefore



BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA that we commend Mrs. Pepperman for her steadfast loyalty to this body and for her years of dedicated service to the Legislature and the people of the State of Alabama.

BE IT FURTHER RESOLVED that copies of this resolution be presented Mrs. Hazel Robertson Pepperman and that a copy be displayed in the offices of the Banking Committee as a lasting reminder of the esteem and the affection in which members of this body hold Mrs. Pepperman.

On motion of Rep. Gafford, the rules were suspended and the resolution, H. R. 331, was adopted.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 791. To amend Section 36-27-21.1, Code of Alabama 1975, which provides a cost-of-living increase to certain retired persons so as to allow counties and municipalities to elect to come under the provisions of the plan at the beginning of any fiscal year.

McDOWELL LEE,  
Secretary.

And the bill:

S. 590. To amend Section 25-4-5, Section 25-4-10, Section 25-4-16, Section 25-4-51, Section 25-4-70, Section 25-4-74, Section 25-4-78, Section 25-4-91, Section 25-4-113, Section 25-4-118, Section 25-4-134, Section 25-4-141 and Section 25-4-145, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to remove provisions covering certain participants in federally funded programs; to include back pay awards in the definition of wages, distribute over the period covered by the award and to describe the effect on the receipt of benefits; to clarify the period required for a reimbursing employer to become eligible to change method of financing benefit costs; to provide for succession of and by governmental entities, designate liability for resulting benefit costs and recovery of such costs from an abolished state agency; to provide a minimum advance payment rate for governmental employer and the procedure for appealing and assigned rate; to clarify the denial of benefit provisions for certain educational employees; to provide for the reduction of benefits by the amount of pensions or retirement pay as required by federal law to become effective after March 31, 1980; to permit reconsideration of claims after the end of a benefit year in case of false or misrepresented facts and procedures for appeal of such reconsideration; to provide employees immunity from civil suits for acts performed in their individual official capacity except for wanton or malicious conduct; to permit disclosure of information to public officials in performance of official duties; to correct a reorganization of procedures relating to collection of delinquent contributions made during compilation of the 1975 Code; to remove requirement for individual to testify even if testimony might be self-incriminating and to establish procedures for collection of overpayment of benefits.

Was taken up.

## SUBSTITUTE OFFERED

Rep. Harrison offered the following substitute to the bill, S. 590:

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 25-4-70, Section 35-4-78 and Section 25-4-134, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to meet federal law requirements; to clarify the denial of benefit provisions for certain educational employees and to provide for the reduction of benefits by the amount of pensions or retirement pay; to correct a reorganization of procedures for the collection of delinquent taxes and reports made in the 1975 Code.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 25-4-70, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-70. Accrual; time and manner of payment.—(a) After contributions have been due under this chapter for two years, benefits shall become payable from the fund to any employee who thereafter is or becomes unemployed and eligible for benefits, and shall be paid through employment offices or such other agencies at such times and in such manner as the director may prescribe.

(b) (1) Benefits based on service in employment defined in subdivision (a) (2) and (a) (3) of section 25-4-10 shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this chapter; except, that: benefits shall not be paid to any individual based on service in an instructional, research or principal administrative capacity in an institution of higher education, as defined in subsection (e) of section 25-4-10, or in any capacity in any educational institution below the level of higher education, as defined in subsection (d) of section 25-4-10, for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid educational leave provided for in the individual's contract, if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms.

a. With respect to any week of employment beginning after December 31, 1977, benefits shall not be paid based on service in an instructional, research, or principal administrative capacity for any educational institution for any such week commencing during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms.

b. With respect to any week of unemployment beginning after December 31, 1977, benefits shall not be paid on the basis of service in any other capacity for an educational institution (other than an institution of higher education as defined in subsection (c) of section 25-4-10) to any individual for any such week which commences during a period between two successive academic years or terms if such individual performs such services in the first of such academic years or terms and there is a reasonable assurance that such individual will perform such services in the second of such academic years or terms.

For the purposes of this subdivision (1), the term "reasonable assurance" means a written, verbal or implied agreement that the employee will perform services during the ensuing academic year or term and the term "contract" is intended to include tenure status.

(2) Benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or similar periods) if such individual performed such services in the first of such seasons (for similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

(3) a. Benefits shall not be paid on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United State under color of law at the time such services were performed (including an alien who is lawfully present in the United States as a result of the application of the provisions of section 203 (a) (7) or section 212 (d) (5) of the Immigration and Nationality Act).

b. Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

e. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of his alien status shall be made except upon a preponderance of the evidence."

Section 2. Section 25-4-78, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-78. Disqualification for benefits.—An individual shall be disqualified for total or partial unemployment:

(1) **LABOR DISPUTE IN PLACE OF EMPLOYMENT.**—For any week in which his total or partial unemployment is directly due to a labor dispute still in active progress in the establishment in which he is or was last employed. For the purposes of this section only, the term "labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee. This definition shall not relate to a dispute between an individual worker and his employer.

(2) VOLUNTARY DEPARTURE FROM WORK.—If he has left his most recent bona fide work voluntarily without good cause connected with such work.

a. 1. However he shall not be disqualified if he was forced to leave work because he was sick or disabled, notified his employer of the fact as soon as it was reasonably practicable so to do, and returned to that employer and offered himself for work as soon as he was again able to work; provided, however, this exception shall not apply if the employer had an established leave-of-absence policy covering sickness or disability and:

(i) The individual fails to comply with same as soon as it is reasonably practicable so to do, or

(ii) Upon the expiration of a leave of absence he shall fail to return to said employer and offer himself for work, if he shall then be able to work, or, if he is not then able to work, he fails to so notify his employer of that fact and request an extension of said leave of absence as soon as it is reasonably practicable so to do.

2. In case of doubt that an individual was sick or disabled, or as to the duration of any such sickness or disability, the director may, or if the employer requests it, the director shall require a doctor's certificate to establish the fact or facts in doubt.

3. An established leave-of-absence policy shall be any leave-of-absence policy covering sickness and disability communicated to the employee by the customary means used by the employer for communicating with his employees.

4. Nothing herein shall be construed or interpreted as authorizing the payment of benefits to any person during or for unemployment due to sickness or disability or during any period in which he is on a leave of absence granted in accordance with an established leave-of-absence policy, the duration of which leave was set in accordance with his request or in accordance with a collective bargaining agreement; except, that if such leave of absence is on account of pregnancy and extends beyond the tenth week following termination of such pregnancy, the individual shall not be denied benefits under the provisions of this subdivision (2) beyond such tenth week if she has given the employer three weeks notice of her desire to return to work, is then able to work and has not refused reinstatement to a job which under the provisions of subdivision (5) of this section would be deemed suitable for her.

b. When an individual is disqualified under this subdivision (2):

1. He shall not be entitled to benefits for the week in which the disqualifying event occurs or for any week thereafter until

(i) he has reentered insured employment or employment of the nature described in subdivisions (5), (6), (7), (8), (9), (10), or (18) of subsection (b) of section 25-4-10; and

(ii) For which employment he has earned wages equal to at least 10 times his weekly benefit amount for the benefit year in which such disqualification is assessed.

2. The total amount of benefits to which he may otherwise be entitled as determined in accordance with sections 25-4-74 and 25-4-75 shall be reduced by an amount equal to not less than six nor more than 12 times his weekly benefit amount.

3. For the purpose of the experience rating provisions of section 25-4-54, no portion of the wages paid to him for the period of employment ending with the separation to which the disqualification applies shall be determined to be employee's or employer's benefit wages. If the individual has been separated from employment other than his most recent bonafide work under conditions which would have been disqualifying under this subdivision (2) had the separation been from his most recent bona fide work and the employer answers a notice of payment within 15 days after it is mailed to him detailing the facts in connection with the separation, then no portion of the wages for the period of employment ending in such separation shall be determined to be employee's or employer's benefit wages.

c. An individual shall not be disqualified if he left his employment and immediately returned to work with his regular employer or to employment in which he had prior existing statutory or contractual seniority or recall rights. When this exception is applied, wages paid for that period of employment immediately preceding the separation to which the exception is applied, which have not been heretofore determined to be benefit wages, shall not be determined to be employer's or employee's benefit wages for the purpose of the experience rating provisions of section 25-4-54.

d. For the purposes of this subdivision (2) and subdivision (3) of this section, the director in determining the "most recent bona fide work" shall consider the duration of the most recent job or jobs, the intent of the individual and his employer as to the permanence of such work and whether separation from the immediately preceding employment was under conditions which would be disqualifying in the event such immediately preceding employment should be determined to be the most recent bona fide work.

**(3) DISCHARGE FOR DISHONEST OR CRIMINAL ACT.**

a. If he was discharged or removed from his work for a dishonest or criminal act committed in connection with his work or for sabotage or an act endangering the safety of others. Disqualification under this paragraph may be applied to separations prior to separation from the most recent bona fide work only if the employer has filed a timely notice with the director alleging that the separation was under conditions described in this paragraph. When an individual is disqualified under this paragraph:

1. He shall not be entitled to benefits for the week in which the disqualifying event occurs or for any week thereafter until he has reentered insured employment or employment of the nature described in subdivision (5), (6), (7), (8), (9), (10) or (18) of subsection (b) of section 25-4-10.

2. He shall not thereafter be entitled to any benefits under this chapter on account of wages paid to him for the period of employment by the employer by whom he was employed when the disqualifying event occurred.

3. For the purposes of the experience rating provisions of section 25-4-54, no portion of such wages shall be determined to be employee's or employer's benefit wages for any benefit year or base period. If, in the case of a separation prior to separation from the most recent bona fide work, the only reason disqualification under this paragraph was not assessed was the failure of the employer to properly file a timely separation report with the director but if such employer does file such a report within 15 days after the mailing of a notice of payment, then no portion of the wages paid for the period of employment ending in such prior separation shall be determined to be employee's or employer's benefit wages.

b. If he was discharged from his most recent bona fide work for actual or threatened deliberate misconduct committed in connection with his work (other than acts mentioned in paragraph a of this subdivision (3) after previous warnings to the individual. When an individual is disqualified under this paragraph, or exempt from disqualification for a separation under such conditions prior to his most recent bona fide work, the effect shall be the same as provided in paragraph b of subdivision (2) of this section for disqualification or exemption from disqualification respectively.

c. If he was discharged from his most recent bona fide work for misconduct connected with his work (other than acts mentioned in paragraphs a and b of this subdivision):

1. He shall be disqualified from receipt of benefits for the week in which he was discharged and for not less than the two nor more than the six next following weeks as determined by the director in each case according to the seriousness of the conduct.

2. The total amount of benefits to which he may otherwise be entitled as determined in accordance with sections 25-4-74 and 25-4-75 shall be reduced by an amount equal to the product of the number of weeks for which he shall be disqualified multiplied by his weekly benefit amount.

3. Only one half of the wages paid to him for that period of employment immediately preceding the separation to which the disqualification applies shall be determined to be employee's or employer's benefit wages for the purposes of the experience rating provisions of section 25-4-54. If the individual has been separated from employment, other than his most recent bona fide work, under conditions which would have been disqualifying under paragraph c of this subdivision (3) had the separation been from his most recent bona fide work and the employer answers a notice of payment within 15 days after it is mailed to him detailing the facts in connection with the separation, then only one half of the wages paid to him for that period of employment immediately preceding the separation shall be determined to be employee's or employer's benefit wages for the purposes of the experience rating provisions of section 25-4-54.

d. If he has been suspended as a disciplinary measure connected with his work, or for misconduct with his work, he shall be disqualified from benefits for the week or weeks (not to exceed four weeks) in which or for which he is so suspended and the total amount of benefits to which he may otherwise be entitled shall be reduced in the same manner and to the same extent as provided in subparagraph 2 of paragraph c of this subdivision (3).

(4) REVOCATION OR SUSPENSION OF REQUIRED LICENSE, ETC.—For the week in which he has become unemployed because a license, certificate, permit, bond or surety which is necessary for the performance of such employment and which he is responsible to supply has been revoked, suspended, or otherwise become lost to him for a cause other than one which would fall within the meaning of subdivision (3) of this section, but one which was within his power to control, guard against or prevent, and for each week thereafter until

a. Said license, certificate, permit, bond or surety has been restored to him and he has reapplied to his employer for employment, or

b. He has reentered insured employment or employment of the nature described in subdivision (5), (6), (7), (8), (9), (10), or (18) of subsection (b) of section 25-4-10, whichever is the earlier.

(5) **FAILURE TO ACCEPT AVAILABLE SUITABLE WORK, ETC.**—If he fails, without good cause, either to apply for or to accept available suitable work or to return to his customary self-employment when so directed by the director or when he is notified of suitable work or it is offered him through a state employment office or the United States employment service, or directly or by written notice or offer to any such employment office or employment service by an employer by whom the individual was formerly employed. Such disqualification shall be for a period of not less than one nor more than 10 weeks from the date of said failure. This disqualification shall not apply unless the individual has an established benefit year, or is seeking to establish one or is seeking extended benefits at the time he fails without good cause, to do any of the acts set out in this subdivision (5).

a. In determining whether or not any work is suitable for an individual, the director shall consider the degree of risk involved to his health, safety and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation and the distance of the available work from his residence; provided, that no work or employment shall be deemed unsuitable because of its distance from the individual's residence, if such work or employment is in the same or substantially the same locality as was his last previous regular place of employment and if the employee left such voluntarily without good cause connected with such employment.

b. Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

1. If the position offered is vacant due directly to a strike, lockout or other labor dispute;

2. If the wages, hours or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or

3. If as a condition of being employed the individual would be required to join a company union, or to resign from or refrain from joining any bona fide labor organization.

c. Notwithstanding any other provisions of this section, benefits shall not be denied an individual, by reason of the application of the provisions of this subdivision (5), with respect to any week in which he is in training with the approval of the director as described in subdivision (3) of section 25-4-77.

(6) **RECEIPT OF DISMISSAL OR SEPARATION ALLOWANCE, ETC.**—For any week with respect to which he is receiving or has received remuneration in the form of wages in lieu of notice, or a dismissal of separation allowance.

(7) **RECEIPT OF OR APPLICATION FOR UNEMPLOYMENT COMPENSATION FROM ANOTHER STATE, ETC.**—For any week with respect to which or a part of which he has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States; provided, that if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits this disqualification shall not apply.

(8) RECEIPT OF OR APPLICATION FOR PENSION PAYMENT.—For any week with respect to which or a part of which he has received or is seeking a pension payment pursuant to an employment contract or agreement; provided, that if it is finally determined he is not entitled to such pension payment this disqualification shall not apply; and provided further, that no claimant shall be disqualified from receiving benefits by virtue of the provisions of this subdivision (8) when his benefits are based entirely on wages earned from employment other than that from which he retired. If the retirement pay, the receipt of which is disqualifying under this subdivision (8), is less than the weekly benefit which would otherwise be due under this chapter, he shall be entitled to receive, if otherwise eligible, weekly benefits reduced by the amount of such retirement pay.

The other provisions of this subdivision (8) notwithstanding, the amount of any benefits payable to an individual for any week of unemployment which begins after March 31, 1980, and which begins in a period with respect to which such individual is receiving a governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment which is based upon the previous work of such individual shall be reduced (but not below zero) by an amount equal to the amount of such pension, retirement or retired pay, annuity or other payment for such week, provided such reduction is required as a condition for approval of this chapter for full tax credit against the tax imposed by the Federal Unemployment Tax Act.

(9) RECEIPT OF OR APPLICATION FOR WORKMAN'S COMPENSATION.—For any week with respect to which or a part of which he has received or is seeking compensation for temporary disability under any workmen's compensation law; provided that if it is finally determined he is not entitled to such compensation, this disqualification shall not apply and provided further, that if such compensation is less than the benefits which would otherwise be due under this chapter, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such payment.

(10) EMPLOYMENT BY PUBLIC WORKS AGENCY, ETC.—For any week that such individual is engaged or employed by the works progress administration, the national youth administration, or any federal or state unit, agency or instrumentality in charge of public works, assistance through public employment, or work relief.

(11) SELF-EMPLOYMENT.—For any week in which he is self-employed and each week thereafter until he shall establish that he is no longer self-employed.

(12) RECEIPT OF, OR APPLICATION FOR, TRAINING ALLOWANCE, ETC.—For any week with respect to which or a part of which an individual who is enrolled in a course of training with the approval of the director, within the meaning of subdivision (3) of section 25-4-77, has applied for or is entitled to receive any wage or subsistence or training allowance or other form of remuneration, other than reimbursement for travel expenses, for a course of training under any public or private training program; provided that if it is finally determined that he is not entitled to such remuneration, this disqualification shall not apply. If the remuneration, the receipt of which is disqualifying under this subdivision (12), is less than the weekly benefits which he would otherwise be due under this chapter he shall be entitled to receive, if otherwise eligible, weekly benefits reduced by the amount of such remuneration.



(13) SERVICE OF EDUCATIONAL INSTITUTION IN INSTRUCTIONAL, ETC., CAPACITY. Notwithstanding any other provision of this title no benefits based on service in an instructional, research or principal administrative capacity for an institution of education, except an institution of higher education to which the provisions of subsection (b) of section 25-4-70 apply, shall be payable for any week commencing during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave, to any individual who has a contract or contracts to perform services in any such capacity for any institution or institutions of education for both such academic years or each such term.

PARTICIPATION IN PROFESSIONAL SPORTS.—For any week which commences during the period between two successive sport seasons (or similar periods) to any individual for which benefits claimed are on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

(14) ALIENS.—

a. For any week for which benefits claimed are on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who is lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act).

b. Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

c. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of his alien status shall be made except upon a preponderance of the evidence."

Section 3. Section 25-4-134, Code of Alabama 1975, as last amended, is hereby amended to read:

"§ 25-4-134. Procedures for collection of delinquent contribution payments.

(a) The contributions, interest and penalties required to be paid under this chapter shall be a first and prior lien upon all property and rights to property, real or personal, or any employer subject to this chapter. The lien shall arise at the time the contribution report, or the payment of the contributions, as the case may be, was due to have been filed with or made to the department of industrial relations. The director may file in the office of the judge of probate of any county in this state a certificate which shall show the name of the department for which it is filed, the amount and nature of the contributions, interest and penalties for which a lien is claimed together with any costs that may have accrued, the name of the employer against whose property a lien for such contributions, interest and penalties is claimed and the date thereof. An error in the certificate of the amount shall not invalidate

the lien for the amount actually due. Such certificates shall be indexed and recorded under the same provision of law of this state relating to the filing and recording of certificates of judgment, and without costs; provided, however, that such lien shall be effective as to purchasers, mortgagees and judgment creditors only from the time a certificate shall have been duly filed for record in the office of the judge of probate in the county wherein is located the property to be subjected to such lien.

(a)(b) Civil actions.

(1) LIEN—The director shall insure the payment of the amount of any contributions, interest and penalties required to be paid under this chapter by filing a lien as prescribed in subsection (a) of this section, against any employer who has not made such payments by the due date.

(1)(2) ATTACHMENT, ETC.—I, after due notice, an employer defaults in the payment of contributions, interest or penalties provided by this chapter, the amount due may be collected by civil suit in the name of the director, which shall include the right of attachment. Civil actions brought under this section to collect contributions, interest and penalties thereon from an employer shall be heard by the court at the earliest possible date, and shall be entitled to preference upon the calendar of the court over all other civil actions, except cases arising under chapter 5 of this title and article 5 of this chapter. In addition to or independently of the above remedy by civil action, the director may proceed in the manner set out hereinafter.

(2)(3) INJUNCTION AGAINST EMPLOYMENT.—After due notice an employer failing to make reports or defaulting in any payment of contribution or interest thereon, as levied under this chapter, for a period of 90 days after the date such reports or contributions are due, and who has not ceased to be an employer, as provided in sections 25-4-130 and 25-4-131, may be enjoined from employing individuals in employment, as defined in this chapter, upon the the complaint of the director filed in the circuit court of any county in which the employer has his or its headquarters or his or its primary place of doing business; and such employer so failing to make reports or to pay contributions levied hereunder shall, as part of the court judgment or order, be enjoined from employing individuals in employment until such returns shall have been made and the contributions shown by any proceedings provided by this chapter to be due thereunder shall have been paid to the director.

(4) Garnishment.—

The director shall have authority to issue writs of garnishment directed to any sheriff of Alabama on any final assessment made by the director and upon such garnishment the sheriff shall proceed the same as though the garnishment was issued by a circuit court, and he shall make due return thereof to the director within 60 days after the issuance thereof.

(5) Levy Upon Execution.—

Whenever any contributions, interest and penalties required to be paid under this chapter are not paid within 30 days of the date due and upon final assessment in any of the manners provided in this section, the director is authorized to issue an execution therefor directed to any sheriff of the state of Alabama, commanding him to levy upon and sell the real and personal property of the employer against whom such execution is directed, found in his county, for the payment of contributions and interest due, together with penalties assessed. The sheriff shall, within five days after the receipt

thereof, file with the clerk of the circuit court of his county a copy thereof and thereupon the circuit clerk shall enter in the judgment roll in the column of judgment debtors the name of the employer named in the execution, the amount of contributions, interest and penalties for which the execution is issued and the date when such copy is filed. The sheriff shall thereupon levy upon any property of the employer with like effect and in the manner prescribed by law in respect to executions issued upon judgments of the circuit court and the remedies of attachment and garnishment shall apply fully to such executions, and the officer shall be entitled to the same fees for his services as now allowed by law for like services, to be collected in the same manner as now provided by law for like services. The sheriff shall make due return of such execution within 60 days of the issuance thereof to the director and upon such return alias executions may be issued by the director and such shall be executed in the same manner. Whenever any execution is issued by the department of industrial relations for the collection of any unemployment compensation taxes owing said department by an employer, such execution, duly attested by the director of said department, or his authorized agent, shall be sufficient warrant to the sheriff to whom the same is directed to levy on the property of the employer against whom said execution is directed and the sheriff shall forthwith execute such writ without demanding or requiring any indemnifying bond or other protective obligation and the said writ of execution issued by the department for the collection of unemployment taxes due it shall be sufficient defense to any civil action for damages on any grounds other than the willful, wanton or malicious conduct of the officer making the levy.

Sales under executions issued hereunder shall be held as provided by the laws of Alabama. At any such sale the director or his authorized agent shall be empowered to act on behalf of the state of Alabama in bidding at any such sale.

(b) (c) Assessments.

(1) ASSESSMENT OF CONTRIBUTIONS AND PENALTIES DUE.—

a. If an employer fails to make and file with the department any report as and when required by the terms and provisions of this chapter or by any rule and regulation of the director for the purpose of determining the amount of contributions due by said employer under this chapter or if any report which is filed is deemed by the director to be incorrect or insufficient the director may issue a written notice by registered or certified mail to such employer, addressed to his last known address or place of business, to make such report or corrected reports forthwith, and if such employer fails or refuses to make such report or corrected report within 15 days from the date of such notice, then the director shall make a report or corrected report for such employer upon such information as he may reasonably obtain, and shall assess the contributions and penalties due thereon and interest at the rate of one percent per month, or fraction thereof, from the date such contributions were due.

b. If an employer who has made and filed with the department any report required and such report is signed by the employer or his duly authorized representative but he has not paid, or has not paid in the correct amount, any contribution due within 30 days from the date due, then the director shall assess the correct amount of contributions due to be paid along with penalties due thereon and interest at the rate of one percent per month, or fraction thereof, from the date such contributions were due, without any

further notice or hearing as is provided for in subdivision (2) of the subsection (c) and such assessment shall be final unless an appeal is taken as is provided in subdivision (3) of this subsection (c).

c. If any report which is filed is deemed by the director to be incorrect, incomplete or insufficient, the director may issue a written notice by registered or certified mail to such employer, addressed to his last known address or place of business, to make such report correct, complete or sufficient forthwith, and if such employer fails or refuses to do within 15 days from the date of such notice, then the director shall make such corrections or completions upon such information as he may reasonably obtain and shall, without further notice or hearing, assess the contribution and penalties due thereon and interest at the rate of one percent per month or fraction thereof from the date such contributions were due and such assessment shall be final unless an appeal is taken as is provided in subdivision (3) of this subsection (c).

## (2) NOTICE OF ASSESSMENT AND HEARING: REVISION OF ASSESSMENT.—

a. Whenever the director shall make an assessment against an employer as provided in this section, the director shall notify the employer by registered or certified mail of the amount of such assessment and shall notify the employer to appear before him on a day named not less than 15 days from the date of such notice and show cause why such assessment should not be made final. Such appearance may be made by agent or attorney. If no showing is made on or before the date fixed in said notice or if such showing is not sufficient in the judgment of the director, such assessment shall be made final in the amount originally fixed or in such other amount as is determined by the director to be correct. If, upon such hearing, the director finds the amount due to be different from that originally assessed, he shall make the assessment final in the correct amount and in all cases shall notify the employer of the assessment as finally fixed. A notice by the United States registered or certified mail addressed to the employer's last known address or place of business shall be sufficient. Any assessment made by the director shall be prima facie correct upon appeal.

b. If, after the assessment has become final, the employer files the report for the period covered by the assessment and the report is substantiated by reasonable evidence, the director may, for good cause and at his discretion correct the assessment, either upward or downward, provided the report and substantiation is filed with him not later than four years after the date on which the report originally became due.

## (3) APPEAL FROM ASSESSMENTS.—

a. Whenever any employer who has duly appeared and protested an assessment by the director under the provisions of paragraph (1)a of subdivision (1) of this subsection (b), is dissatisfied with the assessment as finally made, he may appeal as provided in this section subdivision (3); however, no appeal shall lie in cases where the employer has failed to appear and protest.

b. If an employer against whom an assessment is made by the director is dissatisfied with the final assessment as fixed by the director under any of the provisions of subdivision (1) of this subsection (b) and duly protests the fixing of the same, he may appeal from said final assessment to the circuit court of Montgomery county, or to the circuit court of the county in which the employer resides or has his principal place of business, if the employer has within the state a permanent residence, at the option of the employer, by

filing notice of appeal with the director and with the register of the circuit court of the county to which appeal shall be taken, within 30 days of the date of the final assessment made and entered on the minutes of the department, and in addition thereto by giving bond conditioned to pay all costs, to be filed with and approved by the register or clerk of the court to which the appeal shall be taken. The employer shall pay the assessment so made before the appeal is filed, or the court shall upon motion dismiss such appeal, unless at the time of taking the appeal the employer has executed a supersedeas bond with sufficient sureties to be approved by the register or clerk of the court to which the appeal shall be taken in double the amount of contributions, interest and penalties, payable to the director, conditioned to pay all contributions, interest, penalties and costs found to be due the department of industrial relations. In such appeal, the employer shall be styled the appellant and the director shall be styled the appellee. The assessment made by the director shall be prima facie correct, and the burden shall be on the employer to show that such assessment is incorrect. The circuit court, or court of civil appeals or the supreme court of Alabama on appeal, may, if it be of the opinion from all the evidence that the assessment as made is either too high or too low, fix the amount of such assessment. The court shall hear such appeals according to its own rules and methods of procedure so far as practicable and shall decide all questions both as to legality of the assessment and the amount thereof. No court shall have the power to enjoin the payment of any contributions, interest or penalty due on such assessment so appealed or to suspend the payment thereof. From the judgment of the circuit court, the employer or the director may appeal to the court of civil appeals if the amount involved, exclusive of interest and costs, does not exceed \$10,000.00, or to the supreme court of Alabama if said amount exceeds \$10,000.00, within 30 days of the rendition of the judgment upon giving such security for the cost of such appeal as approved by the register or clerk of the circuit court from which the appeal shall be taken. If upon such appeal the assessment made by the director is reduced, the court, upon proof of payment of said contributions, interest and penalties, shall ascertain and recite such fact in the judgment and shall ascertain and determine by its judgment and order the amount of contributions, interest and penalties which was invalid and the director shall thereupon refund to the employer the amount so ascertained by the court to be invalid.

(4) COLLECTION OF ASSESSMENTS.—a. If no appeal is taken from the final assessment of any contributions, interest or penalties imposed by this chapter within the time allowed by law and such contributions, interest or penalties remain unpaid for 15 days after such assessment, or if signed reports have been filed with the department of industrial relations showing the amount of such contributions which are due and such contributions are not paid within 30 days after such signed reports are so filed, then in either event the director may issue an execution therefor directed to any sheriff of the state of Alabama, commanding him to levy upon and sell the real and personal property of the employer against whom such execution is directed, found in his county, for the payment of contributions and interest due, together with penalties assessed. The sheriff shall, within five days after the receipt thereof, file with the clerk of the circuit court of his county a copy thereof and thereupon the circuit clerk shall enter in the judgment roll in the column of judgment debtors the name of the employer named in the execution, the amount of contributions, interest and penalties for which the execution is issued and the date when such copy is filed. The sheriff shall thereupon levy upon any property of the employer with like effect and in the manner prescribed by law in respect to executions issued upon judgments of the circuit court and the remedies of attachment and garnishment shall apply

fully to such executions, and the officer shall be entitled to the same fees for his services as now allowed by law for like services, to be collected in the same manner as now provided by law for like services. The sheriff shall make due return of such execution within 60 days of the issuance thereof to the director and upon such return alias executions may be issued by the director and such shall be executed in the same manner. Whenever any execution is issued by the department of industrial relations for the collection of any unemployment compensation taxes owing said department by an employer, such execution, duly attested by the director of said department or his authorized agent, shall be sufficient warrant to the sheriff to whom the same is directed to levy on the property of the employer against whom said execution is directed and the sheriff shall forthwith execute such writ without demanding or requiring any indemnifying bond or other protective obligation and the said writ of execution issued by the department for the collection of unemployment taxes due it shall be sufficient defense to any civil action for damages on any grounds other than the willful, wanton or malicious conduct of the officer making the levy.

b. The director shall have authority to issue writs of garnishment directed to any sheriff of Alabama or any final assessment made by the director and upon such garnishment the sheriff shall proceed the same as though the garnishment was issued by a circuit court, and he shall make due return thereof to the director within 60 days after the issuance thereof.

e. The contributions, interest and penalties required to be paid under this chapter shall be a first and prior lien upon all property and rights to property, real or personal, of any employer subject to this chapter. The lien shall arise at the time the contribution report, or the payment of the contributions, as the case may be, was due to have been filed with or made to the department of industrial relations. The director may file in the office of the judge of probate of any county in this state a certificate which shall show the name of the department for which it is filed, the amount and nature of the contributions, interest and penalties for which a lien is claimed together with any costs that may have accrued, the name of the employer against whose property a lien for such contributions, interest and penalties is claimed and the date thereof. An error in the certificate of the amount shall not invalidate the lien for the amount actually due. Such certificates shall be indexed and recorded under the same provision of law of this state relating to the filing and recording of certificates of judgment, and without costs; provided, however, that such lien shall be effective as to purchasers, mortgages and judgment creditors only from the time a certificate shall have been duly filed for record in the office of the judge of probate in the county wherein is located the property to be subjected to such lien.

d. Sales under executions issued hereunder shall be held as provided by the laws of Alabama. At any such sale the director or his authorized agent shall be empowered to act on behalf of the state of Alabama in bidding at any such sale.

If contributions, interest or penalties are not paid within 15 days from the date of final assessment where no appeal is taken, or within 15 days of the date upon which any decision is issued upon an appeal is made final, the director shall take any action to collect as he may be authorized by any of the provisions of this section.

(e) (d) Bonds.

(1) SURETY BOND OR CASH DEPOSIT FROM CONTRACTOR.—Any contractor primarily engaged in contract construction who is or becomes an employer, as defined by this chapter, and who is or becomes delinquent for any contributions due under this chapter may be required to post with the director a blanket surety bond by a licensed surety company authorized to do business in the state of Alabama in any amount which the director shall determine to be sufficient for the payment of all unemployment compensation taxes which will be due to the state for a period of not less than one year by virtue of its operations. In the alternative, said contractor may file a surety bond with respect to each contract. Further, in lieu of such security bond, he or it may deposit with the director in cash an amount equal thereto. These deposits shall be held by the director in a special deposit fund account established for that purpose; provided further, no bond or cash deposit shall be required for an amount to exceed \$10,000.00 unless in the opinion of the director a larger amount is necessary.

(2) WITHHOLDING OF LICENSE FROM CONTRACTOR.—The Alabama state licensing board for general contractors or any other licensing agency of the state of Alabama is hereby authorized to, and upon petition by the director shall, withhold any license from any contractor subject to the provisions of this section until the provisions of this subsection (e) (d) have been complied with.

(3) RELEASE OF CONTRACTOR.—Any “employer” contractor shall cease to be subject to the provisions of this subsection (e) (d) after he or it has been an employer as defined in this chapter within this state for a period of 12 calendar quarters and has paid all contributions due under the provisions of this chapter. Any employer who ceases to be subject to the provisions of this subsection (e) (d) as provided in this subdivision (3) or was excepted under the provisions of subdivision (1) of this subsection (e) (d) and who later became delinquent for any contributions shall again become subject to such provisions until he or it again becomes eligible for release in accordance with the provisions of this subsection (e) (d). When any contractor ceases operations or is otherwise released from the requirements under this section, he or it shall be entitled to have his or its bond cancelled or cash deposit refunded upon payment of all contributions, interest and penalties due under the provisions of this chapter.

(4) PROCEEDINGS AGAINST SURETY, ETC.—If an “employer” contractor fails to pay any contributions, interest and penalties provided for in this chapter when they become due, the director may call upon the surety company for the payment thereof or cause them to be paid by deducting the amount due from the contractor’s cash deposit. Any employer subject to the provisions of this subsection (e) (d) who fails to comply thereto shall be enjoined from any further operations until the provisions of this subsection (e) (d) have been complied with.”

Section 4. All laws and parts of laws in conflict herewith are hereby repealed.

Section 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and for this purpose the provisions of this act are severable.

Section 6. This act to take effect immediately upon its passage and approval by the Governor or its otherwise becoming law.

### SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 40; Nays 18.

*Yeas:*

Reps.: Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Cabaniss, Cheatwood, Coburn, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Hall, Hilliard, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Langford, McMillan, Moore, Nevett, Olive, Payne, Rains, Trammell, Tucker, Turhham, Whatley and Wyatt.

—40

*Nays:*

Mr. Speaker, Adams (C), Brakefield, Campbell, Carter, Dixon, Hammett, McKee, Manley, Pegues, Ray, Sasser, Shavers, Smith (C), Starkey, Stewart, Venable and Ward.

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### S. 590 TEMPORARILY POSTPONED

On motion of Rep. Venable, the bill, S. 590 as amended, was temporarily postponed.

### MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 157, without his signature and approval and with suggested Executive Amendments.

Respectfully submitted,

JAMES E. FOY,  
Executive Secretary.

DONE THIS 30th DAY OF JULY, 1979.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 157 without my signature and approval and with the following suggested Executive Amendments.



Amend Subsection (f) on page 13, line 22, between the words "invested" and "in" insert the words "by the state treasurer".

Amend Subsection (f) on page 13, line 24, delete the remainder of subsection (f) after the word "state." and insert in lieu thereof the following:

"Any interest or other income from investments of this fund shall be deposited in the state treasury."

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,  
FOB JAMES,  
Governor.

### GOVERNOR'S MESSAGE

On motion of Rep. Biddle, the House concurred in and adopted the amendment proposed by His Excellency the Governor, to the bill, H. 157, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 55; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Amari, Bedsole, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Crow, Dial, Edwards, Ford, Gafford, Grimsley, Hall, Hammett, Harper (O), Harper (T), Hilliard, Johnson (R. G.), Langford, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Rains, Ray, Reed, Riddick, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turner, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—55

And the bill:

H. 157. To amend Sections 34-27-4, 34-27-31 and 34-27-35 of the Code of Alabama 1975, as amended, Regular Session, 1978, Acts No. 654, pertaining to qualifications for real estate broker and real estate salesmen licensees, so as to establish a "Real Estate Recovery Fund"; to provide procedural rights for aggrieved parties in certain real estate transactions and to provide for the termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 65; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Bedsole, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark, Cosby, Crow, Dial, Edwards, Ford, Gafford, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Holley, Johnson (R. G.), Laird, Langford,

McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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## MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 501, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,  
Executive Secretary.

DONE THIS 30TH DAY OF JULY, 1979.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 501, without my signature and approval and with the following suggested Executive Amendment.

Amend House Bill Number 501, page 2, line 28, by inserting after Section 5 a new Section 6, to read as follows:

"Section 6. All costs of implementing this Act are to be borne by any person, firm or corporation which operates, constructs or maintains a nuclear powered electric generating facility within the state licensed by the U. S. Nuclear Regulatory Commission on whose behalf these inquiries are made."

Subsequent sections should then be renumbered.

The adaption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,  
Governor.

## H. 501 RETURNED TO GOVERNOR

On motion of Rep. Carothers, the bill H. 501 with proposed Executive amendment, was returned to the Governor.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Biddle, Blake, Brakefield, Buskey, Campbell, Carothers, Cheatwood, Cobsy, Dial, Drinkard, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Hilliard, Holley, Kennedy (Y), Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—65

### MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor, returning House Bill Number 771, without the Governor's signature.

Respectfully submitted,

JAMES E. FOY,  
Executive Secretary.

DONE THIS 30th DAY OF JULY, 1979.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 771, without my signature and approval.

Respectfully,

FOB JAMES,  
Governor.

### GOVERNOR'S MESSAGE

The House proceeded to reconsider the bill:

H. 771. To repeal Act No. 751, S. 599, 1967 Regular Session (Acts 1967, p. 1606), as last amended which relates to the maintenance and operation of county health departments in all counties having populations of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census.

Rep. Bedsole moved passage of the bill, H. 771, the Governor's veto to the contrary notwithstanding.

And the bill, H. 771, was again read at length, and the House refused to pass said bill over the veto of the Governor.

Yeas 0; Nays 77.

*Nays:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Campbell, Carothers, Carter, Cheatwood, Cosby, Crow, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Hines, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Parker, Payne, Pegues, Penry, Rains, Reed, Riddick, Sandusky, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turnham, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

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#### MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 455, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,  
JAMES E. FOY,  
Executive Secretary.

DONE THIS 30th DAY OF July, 1979.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 455 without my signature and approval and with the following suggested Executive Amendment.

Page 2, add new Section 2 and renumber remaining sections accordingly.

"Section 2. All monies received under the provisions of this Act for the fiscal year ending September 30, 1980 are hereby allotted, appropriated and released to the Department of Conservation and Natural Resources, Division of Game and Fish, and may be used by the Commissioner of the Department of Conservation and Natural Resources for all purposes reasonably necessary in the administration of the Game and Fish program; and thereafter such monies shall be appropriated from time to time by the legislature through the general appropriation bill.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,  
FOB JAMES,  
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. McMillan, the House concurred in and adopted the amendment proposed by his Excellency, the Governor, to the bill, H. 455, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 68; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Carothers, Carter, Cheatwood, Crow, Daniels, Dial, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kennedy (C), Kennedy (Y), Laird, Letson, McKee, McMillan, Manley, Mitchell, Nevett, Olive, Parker, Payne, Penry, Rains, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Turner, Turnham, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—68

And the bill:

H. 455. To amend Section 9-11-44, Code of Alabama 1975, relating to annual residence hunting licenses, so as to increase the fee for such licenses.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 62; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Blake, Brakefield, Buskey, Carter, Cheatwood, Daniels, Dial, Dixon, Edwards, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Johnson (R. G.), Johnson (Roy), Kennedy (C), Kennedy (Y), Laird, Letson, McKee, McMillan, Manley, Mitchell, Moore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Reed, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stout, Trammell, Turner, Turnham, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

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MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 267, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,  
Executive Secretary.

DONE THIS 30th DAY OF JULY, 1979.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 267, without my signature and approval and with the following suggested Executive Amendment.

Amend Section 1, page 2, line 5, by deleting all of the wording in Section 1 after "when the facts are made known to him" including the House Amendment thereto, and inserting in lieu thereof the following:

"At least fifty-one percent of the directors of every such bank or trust company shall be residents of the state and at least seventy-five percent of the directors of every such bank or trust company shall be residents of this state or residents of a state contiguous to Alabama."

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,  
Governor.

#### GOVERNOR'S MESSAGE

On motion of Rep. Cates, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 267, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 60; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Biddle, Blake, Buskey, Carothers, Carter, Cates, Cheatwood, Crow, Dial, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Kennedy (Y), Laird, Lewis, McKee, McMillan, Manley, Mitchell, Naramore, Nevett, Olive, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Turner, Turnham, Waggoner, Ward, Williams and Wyatt.

—60

And the bill:

H. 267. To amend Title 5, Section 185, Alabama Code, relating to directors of banks or trust companies doing a banking business organized under Alabama law; to change the residence requirements by providing that at least fifty-one percent of the directors of every such bank or trust company shall be residents of the State of Alabama.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 58; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Blake, Bowling, Buskey, Carter, Cates, Cheatwood, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Kennedy (Y), Laird, Lewis, McKee, McMillan, Manley, Naramore, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Starkey, Stewart, Stout, Turner, Turnham, Waggoner, Ward, Wyatt and Zoghby.

—58

### MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor, returning House Bill Number 1004 without the Governor's signature and approval.

Respectfully submitted,

JAMES E. FOY,  
Executive Secretary.

DONE THIS 30th DAY OF JULY, 1979.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 1004 without my signature and approval for the following reason:

House Bill Number 1004 is a duplicate of Senate Bill Number 636 which is being signed into law.

Respectfully,

FOB JAMES,  
Governor.

### GOVERNOR'S MESSAGE

The House proceeded to reconsider the bill:

H. 1004. Relating to Marshall County; to provide further for the powers and duties of the county commission; to ratify and confirm certain expenditures heretofore made to the custodian of voting machines; and to provide further for the method of compensation of said custodian by the county commission.

Rep. Kelley moved passage of the bill, H. 1004, the Governor's veto to the contrary notwithstanding.

And the bill, H. 1004, was again read at length, and the House refused to pass said bill over the veto of the Governor.

Yeas 0; Nays 59.

*Nays:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Biddle, Blake, Bowling, Brakefield, Buskey, Carothers, Carter, Cheatwood, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Hammett, Harper (O), Harper (T), Harvey, Holley, Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Penry, Riddick, Sasser, Seibels, Shavers, Smith (J), Starkey, Stewart, Stout, Turner, Turnham, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—59

### MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 275, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,  
Executive Secretary.

DONE THIS 30th DAY OF JULY, 1979.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 275 without my signature and approval and with the following suggested Executive Amendment.

Page 7, delete Section 8 and add a new Section 8 as follows:

"Section 8. This act shall become effective on October 1, 1980, following its passage and approval by the Governor."

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,  
Governor.

### GOVERNOR'S MESSAGE

On motion of Rep. Sasser, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 275, said Governor's amendment being set out in the above and foregoing Message from the Governor.



Yeas 53; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Blake, Brakefield, Carter, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Kennedy (Y), Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Naramore, Nevett, Parker, Pegues, Penry, Ray, Reed, Riddick, Sasser, Seibels, Smith (J), Starkey, Stewart, Stout, Turner, Turnham, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—53

*Nay:* Rep. Roberts.

—1

And the bill:

H. 275. To raise revenue by levying a privilege of excise tax on every person licensed under the provisions of Title 28, Article 4, Code of Alabama 1975, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax; to prescribe penalties for failure to collect or pay the tax or for possession of unidentified malt or brewed beverages; to provide for identification of such beverages; and to supersede and repeal Title 28, Article, 5, Chapter 3, Code of Alabama 1975, and repeals other conflicting laws.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 59; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Biddle, Blake, Brakefield, Carter, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Horn, Kennedy (Y), Laird, Langford, Letson, McKee, Manley, Minus, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Smith (J), Stewart, Stout, Turner, Turnham, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—59

*Nay:* Rep. Shavers.

—1

#### MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 1009, without his signature and approval and with a suggested Executive Amendment.

Respectively,

JAMES E. FOY,  
Executive Secretary.

DONE THIS 30th DAY OF JULY, 1979.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 1009 without my signature and approval and with the following suggested Executive Amendment.

Delete the last sentence of Section 1 and insert in lieu thereof the following sentence:

"The cost of such sums, to the extent that they exceed the amounts authorized under Section 40-3-8 of the Code of Alabama, 1975, shall be borne equally to the county and municipality."

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,  
Governor.

#### GOVERNOR'S MESSAGE

On motion of Rep. Starkey, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 1009, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 60; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Blake, Bowling, Brakefield, Buskey, Carothers, Carter, Crow, Dial, Dixon, Drinkard, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Kennedy (Y), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Naramore, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turner, Turnham, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—60

And the bill:

H. 1009. Relating to Lauderdale County; providing further for the salary of the members of the Board of Equalization, payable pursuant to Section 40-3-8 of the Code of Alabama 1975, with the municipality, county and state sharing the costs therefor; and providing for retroactive effect to May 15, 1979.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 54; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bowling Brakefield, Buskey, Carothers, Carter, Crow, Dial, Dixon, Drinkard, Ford, Gafford, Goodwin,

Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Johnson (R. G.), Kennedy (Y), Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Naramore, Patton, Payne, Penry, Rains, Ray, Reed, Roberts, Seibels, Shoemaker, Smith (J), Stewart, Stout, Turnham, Venable, Ward, Williams, Wyatt and Zoghby.

—54

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 669. Relating to Madison County; to require that certain county owned motor vehicles be marked for identification purposes with a county decal or stencil on the sides of such vehicles, and to provide a fine for violation of such identification.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Hall, the House concurred in and adopted the Senate amendment to the bill, H. 669, said Senate amendment being as follows:

Amend House Bill No. 669, Page 1, Line 22, by striking out the word "and" and inserting in lieu thereof a coma "," and after the word "office," insert the following "and those motor vehicles assigned to elected officials for their use only,"

Yeas 46; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Biddle, Blake, Brakefield, Buskey, Carter, Cosby, Drinkard, Ford, Gafford, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Horn, Kennedy (Y), Langford, Letson, McKee, Moore, Naramore, Patton, Payne, Pegues, Penry, Rains, Reed, Riddick, Seibels, Shavers, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Turnham, Ward and Williams.

—46

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 669 as thus amended, was again read at length and passed.

Yeas 52; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cobb, Cooley, Cosby, Drinkard, Ford,

Gafford, Gregg, Grimsley, Hall, Hammett, Harper (O), Harvey, Holley, Horn, Johnson (R. G.), Kennedy (Y), Langford, Letson, McKee, Moore, Naramore, Owens, Patton, Payne, Penry, Rains, Ray, Reed, Riddick, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Turnham, Waggoner and Williams.

—52

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 564. Relating to Madison County, to reallocate Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes.

said Conference Report being in words and figures as follows:

## REPORT OF COMMITTEE ON CONFERENCE ON S. 564

We, the Committee of Conference, appointed to reconcile the disagreement between the two houses concerning S. 564, have met, considered the bill as last substituted and amended, and have agreed to the following report:

We recommend that each house adopt the attached Committee's Substitute to S. 564 as last substituted and amended.

Respectfully submitted,

JIM SMITH,

ROBERT E. ALBRIGHT,

MARTHA JO SMITH,

Conferees on the part of the House.

ALBERT McDONALD,

BILL SMITH,

JAMES LEMASTER,

Conferees on the part of the Senate.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Madison County; to reallocate Madison County's share of payments made by the Tennessee Valley Authority and certain alcoholic beverage tax revenues to the state in lieu of ad valorem taxes; and providing an expiration date.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the authority granted by Sections 40-28-1 through 40-28-3, Code of Alabama 1975, Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes shall be distributed as provided by this act.

A. To earmark a certain portion of the alcoholic beverage tax revenues accruing to the City of Huntsville under the provisions of Section 40-28-1 through 40-28-3, Code of Alabama 1975, for the purpose of establishing and maintaining a legislative delegation office, the city council shall immediately pay such amounts from such funds as the Madison County legislative delegation may request.

Such requests shall be in the form of a resolution passed by the county legislative delegation, signed by one Senator and one member of the House of Representatives from the county who shall be duly appointed by the delegation. The legislative delegation shall expend such monies to employ staff, acquire adequate physical office space, equipment, supplies, services and all other necessary items. The persons employed and expenditures of the funds by the legislative delegation shall be in their discretion. Any funds allocated but not expended at the end of the fiscal year, in accordance with this subsection, shall revert to the general fund of the city treasury. The revenue and expenditures of the legislative office shall be audited on an annual basis.

B. In the alternative to Subsection A of this section, pursuant to the authority granted by Section 40-28-2, Code of Alabama 1975, Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes shall be distributed in the following manner:

The first \$40,000 paid, as Madison County's total share, shall be paid to the Madison County Commission for the purposes of establishing and maintaining a legislative delegation office. The Madison County Commission shall immediately pay such amounts from such funds as the Madison County legislative delegation may request. Such requests shall be in the form of a resolution passed by the county legislative delegation, signed by one Senator and one member of the House of Representatives from the county who shall be duly appointed by the legislative delegation. The legislative delegation shall expend such monies to employ staff, acquire adequate physical office space, equipment, supplies, services and all other necessary items. The persons employed and expenditures of the funds by the legislative delegation shall be in their discretion. Any funds allocated but not expended at the end of the fiscal year, in accordance with this subsection, shall revert to the general fund of the county treasury. The revenue and expenditures of the legislative office shall be audited on an annual basis.

C. The remaining money, disbursed pursuant to the authority granted by Section 40-28-2, Code of Alabama 1975, shall be prorated in the following manner:

1. Seventy percent (70%) of said remaining money shall be paid to the City of Huntsville. Said payment shall be distributed in the following manner:

(a) Sixty-five percent (65%) to the city school system to be paid by the city governing body directly to the school system.

(b) Twenty-five percent (25%) to the city general fund.

(c) Ten percent (10%) to City of Huntsville Hospital Authority, provided, however, that if the revenue produced by this percentage formula should exceed \$525,000 in any fiscal year, said excess revenue shall revert to the general fund of the City of Huntsville. The provisions of this subsection shall expire on September 30, 2003, and thereafter said revenue shall revert to the general fund of the City of Huntsville.

2. Twenty-nine and one-half percent (29½%) of said remaining money shall be paid to Madison County. Said payment shall be distributed in the following manner:

(a) Sixty-five percent (65%) to the county school system to be paid by the county governing body directly to the school system.

(b) Twenty-eight percent (28%) to the county general fund.

(c) Seven percent (7%) to the City of Huntsville Hospital Authority, provided however, that if the revenue produced by this percentage formula shall exceed \$150,000 in any fiscal year, said excess revenue will revert to the general fund of Madison County.

3. One-half percent (½%) of said remaining money shall be paid to the remaining incorporated municipalities within Madison County on a per capita basis. Said payments shall be distributed in the following manner:

(a) Sixty-five percent (65%) to the county school system to be paid by the municipal governing body directly to the school system.

(b) Thirty-five percent (35%) to the municipal general fund.

Section 2. The distribution of money as provided by this act shall be continuing and shall remain in effect for one year from the effective date unless sooner altered by general or local law.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said Bill, S. B. 564, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Smith (J), the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 564, said report being set out in the above and foregoing Message from the Senate.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Biddle, Blake, Brakefield, Buskey, Carter, Cates, Coburn, Cooley, Cosby, Crow, Daniels, Drinkard, Ford,

Gafford, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Horn, Johnson (R. G.), Kelley, Kennedy (Y), Langford, Letson, McKee, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Turner, Turnham, Ward, Williams and Zoghby.

—59

And the bill:

S. 564. Relating to Madison County; to reallocate Madison County's share of payments made by the Tennessee Valley Authority and certain alcoholic beverage tax revenues to the state in lieu of ad valorem taxes; and providing an expiration date.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 49; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Biddle, Brakefield, Buskey, Carter, Coburn, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Gafford, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Horn, Kennedy (Y), Langford, McKee, Minus, Moore, Nevett, Olive, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham and Williams.

—49

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 860. To provide additional revenue in Barbour County; levying in Barbour County special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the act by the state department of revenue; prescribing penalties and fixing punishment for violations of the act; and to provide for a referendum.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Sasser, the House concurred in and adopted the Senate amendment to the bill, H. 860, said Senate amendment being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide additional revenue in Barbour County; levying in that part of Barbour County outside the corporate limits of the city of Eufaula special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the act by the state department of revenue; and prescribing penalties and fixing punishment for violations of the act; and to provide a referendum election.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby levied in that part of Barbour County outside the corporate limits of the city of Eufaula in addition to all other taxes now imposed by law special county privilege license and excise taxes paralleling state sales and use taxes. Said tax shall be levied in the manner and at the rates hereafter prescribed:

(1) Upon every person, firm, or corporation engaged or continuing within that part of Barbour County outside the police jurisdictions of the city of Eufaula in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks, nor sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair, or reconditioning of vessels, barges, ships and other watercraft of over fifty tons burden), an amount equal to two percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing a business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business.

(2) Upon every person, firm, or corporation engaged or continuing within that part of Barbour County outside the police jurisdictions of the city of Eufaula in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, theatres, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within such part of Barbour County, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a municipal institution or association or a state, a county or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within such part of Barbour County, an amount equal to two percent of the gross receipts of any such business.



(3) Upon every person, firm, or corporation engaged or continuing within that part of Barbour County outside the police jurisdictions of the city of Eufaula in the business of selling at retail machines or machinery used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to three-fourths of one percent of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(4) Upon every person, firm, or corporation engaged or continuing within that part of Barbour County outside the police jurisdictions of the city of Eufaula in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer, or house trailer an amount equal to three-fourths of one percent of the gross proceeds of the sale of said automotive vehicle or truck trailer, semi-trailer or house trailer, provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein a fee of two dollars and fifty cents per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be of such withdrawal, and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, semi-trailer or house trailer shall remain the property of such person.

Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

(5) An excise tax is hereby imposed on—

a. The storage, use, or other consumption in that part of Barbour County outside the police jurisdictions of the city of Eufaula of tangible personal property (not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than fifty tons burden) purchased at retail, for storage, use or other consumption in such part of Barbour County, at the rate of two percent of the sale price of such property, except as provided in subsections (b) and (c).

b. The storage, use, or other consumption in that part of Barbour County outside the police jurisdictions of the city of Eufaula of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property purchased at retail at the rate of three-fourths of one percent of the sales price of such machine; provided, that the term "machine" as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

c. The storage, use, or other consumption in that part of Barbour County outside the police jurisdictions of the city of Eufaula of any automotive vehicle or truck trailer, semi-trailer or house trailer purchased at retail for storage, use or other consumption in such part of Barbour County, at the rate of three-fourths of one percent of the sales price of such automotive vehicle, truck trailer, semi-trailer or house trailer. Where any used automotive vehicle or truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

Section 2. There are exempted from the levy of such taxes the gross receipts of any business and the gross proceeds of all sales which are exempted under the state sales tax statutes from the computation of the amount of the state sales tax. And there is also exempted from the levy the storage, use, or other consumption of property, the storage, use, or other consumption of which is exempted under the state use tax statutes from the state use tax. Subject to these exemptions, every person storing or using or otherwise consuming in that part of Barbour County outside the corporate limits of the city of Eufaula tangible personal property purchased at retail shall be liable for the tax imposed, and the liability shall not be extinguished until the tax has been paid by such person; provided, however, that a receipt from a registered seller given to the purchaser of any property to be used, stored, or consumed in such part of Barbour County shall be sufficient to relieve the purchaser from further liability for the tax to which such receipt may refer. The term "registered seller" means the person registered with the state department of revenue pursuant to the state sales tax statutes. The term "state sales tax statutes" means Chapter 23 of Title 40 of the Code of Alabama 1975, which levies a retail sales tax for state purposes and includes all statutes, which expressly set forth any exemptions from the computations of the tax levied in said Chapter, and all other statutes which expressly apply to, or purport to affect, the administration of said Chapter and the incidence and collection of the tax imposed therein. The term "state use tax statutes" means Chapter 23 of Title 40 of the Code of Alabama 1975, including all statutes enacted which expressly set forth any exemptions from the computation of the tax levied in said Chapter and all other statutes which expressly apply to, or purport to affect, the administration of the said Chapter and the incidence and collection of the tax imposed therein.

Section 3. The sales tax levied in Section 1 shall be due and payable in monthly installments on or before the 20th day of the month next succeeding the month in which the tax accrued; the use tax levied pursuant to Section 1 shall be due and payable quarterly on or before the 20th day of the month next succeeding each quarterly period during which the storage, use, or other consumption, of the tangible personal property became taxable, each such quarterly period to end on the last day of each of the months of March, June, September, and December. All taxes levied pursuant to this act shall be paid to and collected by the state department of revenue at the same time and along with the collection of the state sales tax and the state use tax. On or prior to the due dates of the taxes levied each person subject to such taxes shall file with the state department of revenue a report or return in such form as may be prescribed by the department, setting forth with respect to all sales and business that are required to be used as a measurement of the tax levied, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business, and setting forth with respect to the use tax levied, the total sales price of all property, the use, storage, or other consumption of which became subject to the tax during the then preceding quarterly period. Such reports shall include also such other items of information

pertinent to the said taxes and the amount thereof as the state department of revenue may require. Any person subject to the taxes levied may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the county commission of Barbour County, or its designated agent, at reasonable times during business hours.

Section 4. Every registered seller making sales of tangible personal property for storage, use, or other consumption in that part of Barbour County outside the corporate limits of the city of Eufaula (which storage, use, or other consumption is not exempted from the tax imposed) shall at the time of making such sale, or, if the storage, use, or other consumption of such tangible personal property in such part of Barbour County is not then taxable under this act, at the time such storage, use, or other consumption becomes taxable hereunder, collect the tax from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the state department of revenue. On the twentieth day of the month following the close of each quarterly period provided for in Section 3 hereof, each registered seller shall file with the state department of revenue a return for the preceding quarterly period in such form as may be prescribed by the department showing the total sales of the tangible personal property sold by such registered seller, the storage, use, or other consumption of which became subject to the tax imposed during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the tax required to be collected by such registered seller during the period followed by the return; provided, that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period, and shall remit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage, or other consumption of tangible personal property in that part of Barbour County outside the corporate limits of the city of Eufaula need not file a report or make any further payments of the said tax, but each person who purchases tangible personal property, the storage, use, or other consumption of which is subject to the tax imposed, and who has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 3.

Section 5. Each person engaging or continuing within that part of Barbour County outside the corporate limits of the city of Eufaula in a business subject to the taxes levied in Section 1 shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required to collect. It shall be unlawful for any person subject to the tax levied to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any

portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the tax imposed or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of, said tax or any portion thereof.

Section 6. The taxes imposed by this act shall constitute a debt due Barbour County and may be collected by civil suit, in addition to all other methods provided by law and in this act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due the state shall apply fully to the collection of the county taxes levied, and the state department of revenue for the use and benefit of Barbour County shall collect such taxes and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales tax and the use tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes authorized to be levied by this act, and otherwise to enforce the provisions of this act, including any litigations involving the act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for Barbour County.

Section 7. All provisions of the state sales tax statutes with respect to payment, assessment and collection of the state sales tax, making of reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports, or otherwise comply with the state sales tax statutes, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this act when applied to the tax levied in Section 1 hereof, shall apply to the county tax levied, and all provisions of the state use tax statutes with respect to payment, assessment and collection of the state use tax, making quarterly reports, and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the state use tax statutes, the promulgation of rules and regulations with respect to the state use tax, and the administration and enforcement of the state use tax statutes, which are not inconsistent with the provisions of this act when applied to the county use tax levied shall apply to the county tax. The commissioner of revenue and the state department of revenue shall have and exercise the same powers, duties, and obligations with respect to the county taxes levied as are imposed on the commissioner and the department, respectively, by the state sales tax statutes and the state use tax statutes. All provisions of the state sales tax statutes and the state use tax statutes that are made applicable by this act to the county taxes levied and to the administration of this act are incorporated herein by reference and made a part hereof as if fully set forth herein.

Section 8. The state department of revenue shall charge Barbour County for collecting the special county taxes levied such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the county commission, but such charge shall not in any event exceed ten percent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes for the county may be deducted each month from the special sales and special use taxes collected before certifying the amount of the proceeds thereof due Barbour County for

the month. The commissioner of revenue shall pay into the state treasury all county taxes collected under this act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this act and paid by him into the state treasury for the benefit of Barbour County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of Barbour County during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the County Board of Education of Barbour County, in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of the county. The County Board of Education for Barbour County shall deposit the revenue derived from the taxes levied herein in the public school funds of the county; and the net proceeds derived from the taxes levied by this act shall be used for general school purposes in that part of Barbour County outside the corporate limits of the city of Eufaula.

Section 9. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors who reside in that part of Barbour County outside the corporate limits of the City of Eufaula and who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the next general or special election next following final passage of this act. Notice of the election shall be given by the judge of probate of Barbour County, which notice shall be published once a week for three successive weeks before the day of the election. On the Ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law levying additional privilege, license and excise taxes paralleling state sales and use taxes in that part of Barbour County outside of the corporate limits of the City of Eufaula? Yes ( ) No ( )." If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect on the first day of the first month beginning after said election. If a majority of the votes cast are in the negative, the act shall have no further effect. The judge of probate of Barbour County shall certify the results of the election to the Secretary of State immediately after the returns have been certified.

Section 10. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 52; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Biddle, Blake, Brakefield, Buskey, Carter, Cates, Coburn, Cooley, Cosby, Daniels, Dial, Drinkard, Ford, Gafford, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Johnson (R. G.),

Kennedy (Y), Langford, Letson, McKee, Moore, Naramore, Nevett, Owens, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Williams and Willis.

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#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 860. To provide additional revenue in Barbour County; levying in that part of Barbour County outside the corporate limits of the city of Eufaula special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the act by the state department of revenue; and prescribing penalties and fixing punishment for violations of the act; and to provide a referendum election.

As thus amended, was again read at length and passed.

Yeas 51; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Blake, Brakefield, Buskey, Carter, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Grimsley, Hall, Hammett, Harper (O), Harvey, Johnson (R. G.), Kennedy (Y), Langford, Letson, McKee, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Williams, Willis and Zoghby.

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#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 974. To levy a license tax in all counties in this State of 600,000 population or more according to the last or any succeeding federal census, on persons engaged in selling alcoholic, spirituous, vinous, or fermented liquor at retail and to fix the rate or amount of such tax in the following amounts: Whiskey, gin, brandy, rum, vodka, cocktails, and all other alcoholic beverages except malt beverages, wines and other fermented beverages, sold,

distributed, delivered, stored, or taken out of storage within the county, on each bottle or container of two (2) ounces or less, ten (10) cents; on each bottle or container of more than two (2) ounces and not more than one-half pint, twenty-five (25) cents; on each bottle or container of more than one-half pint and not more than one pint one dollar (\$1.00); on each bottle or container of more than one pint and not more than one-fifth of a gallon one dollar and sixty cents (\$1.60); on each bottle or container of more than one-fifth of a gallon and not more than one quart, two dollars (\$2.00); on each bottle or container of more than one quart, two dollars (\$2.00) plus ten (10) cents for each one and six-tenths (1-6/10) ounces or fractional part thereof in excess of one quart. Wines and other fermented beverages sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container, twenty-five (25) cents; to provide that if the governing body of any such county finds and declares by resolution that the discontinuance of the State prohibition against licensees' selling, or keeping for sale, liquor or wine except in the original unbroken package is imminent, then such governing body shall be authorized to levy a license tax, in the amount below prescribed, on each person selling, distributing, delivering, storing, or withdrawing from storage, at retail, within the county the beverages hereinabove described in this title; to provide that the amount of such license tax said governing body shall be authorized to levy, as aforesaid, shall be fixed in the ordinance or resolution levying such license tax, which amount shall not be less than 3% or more than 6% of the gross receipts realized by such person from the distribution, delivery, sale, storage or withdrawal from storage in the county of whiskey, gin, brandy, rum, vodka, cocktails and all other alcoholic beverages except malt beverages sold, distributed, stored, or taken out of storage within the county; to provide that the last mentioned license tax shall be called 'the gross receipts tax'; to provide that upon and after the date whereon the gross receipts tax becomes effective the license tax first hereinabove mentioned shall no longer be in effect, subject, however, to the proviso that no person shall be relieved of his obligation to pay any license tax first above mentioned due by such person for, or on account of, transactions occurring when the license tax first above mentioned was in effect; to provide for the payment of either of the two license taxes above mentioned, which is in effect and for the making and maintaining of records and reports with respect thereto; to provide for the collection and distribution of either of the above mentioned license taxes which is in effect and for the enforcement of the provisions of this act; to provide that the Board of Revenue, County Commission or like governing body of any such county shall have the authority to adopt ordinances, rules and regulations pertaining to the collection of either of the above mentioned license taxes or pertaining to the making of reports and maintaining of records with respect thereto; to provide that such ordinances, rules and regulations shall have the force and effect of law; to provide that either above mentioned taxes shall constitute a debt to such county which may be collected to civil suit in addition to all other methods provided by law; to provide that either of the above mentioned license taxes, together with interest and penalties with respect thereto, shall constitute a lien upon the property of any person from whom the tax is due; to require any person engaged in selling alcoholic, spirituous, vinous, or fermented liquor to obtain a permit to sell such beverages from the Judge of Probate, License Commissioner, Director of County Department of Revenue, or other public officer performing like duties in such counties; to require any such person to make a deposit of cash or marketable securities or to file a bond in an approximate sum of two times the estimated average monthly tax; to provide that the revenue derived from either of the above mentioned license taxes, less the cost of collection, shall be paid into an Indigent Care Fund, and to provide the

purpose or purposes for which either of the above mentioned taxes may be expended; to repeal any act now in effect in counties subject to this act which levies a license tax on the sale of alcoholic, spirituous, vinous, or fermented liquors, and Specifically to repeal Act No. 559 of the 1959 Regular Session of the Legislature of Alabama, approved November 15, 1959; to provide for appeals from any tax assessment made under this act; to provide that all taxes due and the remedies and penalties under said statutes repealed shall continue in effect as to any taxes accrued under said repealed statutes; to provide and fix penalties for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act and for the effective date thereof;" to amend the body of said Act No. 388 of the Regular Session of the Legislature of Alabama of 1965 so as to provide that on the contingency above specified in the title of said Act No. 388 as said title will be amended by this amendatory act, the governing body of any such county may levy the gross receipts tax described in the title of said Act No. 388 amended as aforesaid; and to otherwise amend the body of said Act No. 388 of the Regular Session of the Legislature of 1965 so that said Act No. 388, as amended by this amendatory act, will contain the provisions which the title of said Act No. 388, amended as aforesaid indicates said Act No. 388 will contain when amended.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Waggoner, the House concurred in and adopted the Senate amendment to the bill, H. 974, said Senate amendment being as follows:

#### A BILL TO BE ENTITLED AN ACT

To amend the title and Section 3 of Act No. 388 of the Regular Session of the Legislature of Alabama of 1965 (Acts 1965, p. 533), so as to levy a license tax in all counties in this state of 600,000 population or more according to the last or any succeeding federal census, on persons engaged in selling alcoholic, spirituous, vinous, or fermented liquor at retail and to fix the rate or amount of such tax in the following amounts: Whiskey, gin, brandy, rum, vodka, cocktails, and all other alcoholic beverages except malt beverages, wines and other fermented beverages, sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container of two (2) ounces or less, ten (10) cents; on each bottle or container of more than two (2) ounces and not more than one-half pint, twenty-five (25) cents; on each bottle or container of more than one-half pint and not more than one pint one dollar (\$1.00); on each bottle or container of more than one pint and not more than one-fifth of a gallon one dollar and sixty cents (\$1.60); on each bottle or container of more than one-fifth of a gallon and not more than one quart, two dollars (\$2.00); on each bottle or container of more than one quart, two dollars (\$2.00) plus ten (10) cents for each one and six-tenths (1-6/10) ounces or fractional part thereof in excess of one quart; wines and other fermented beverages sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container, twenty-five (25) cents; to provide that if the governing body of any such county finds and declares by resolution that the discontinuance of the State prohibition against licensees' selling, or keeping for sale, liquor or wine except in the original unbroken package is



imminent, then such governing body shall be authorized to levy a license tax, in the amount below prescribed, on each person selling, distributing, delivering, storing, or withdrawing from storage at retail, within the county the beverages hereinabove described in this title; to provide that the amount of such license tax said governing body shall be authorized to levy, as aforesaid, shall be fixed in the ordinance or resolution levying such license tax, which amount shall not be less than 3% or more than 6% of the gross receipts realized by such person from the distribution, delivery, sale, storage or withdrawal from storage in the county of whiskey, gin, brandy, rum, vodka, cocktails and all other alcoholic beverages except malt beverages sold, distributed, stored, or taken out of storage within the county; to provide that the last mentioned license tax shall be called 'the gross receipts tax'; to provide that upon and after the date whereon the gross receipts tax becomes effective the license tax first hereinabove mentioned shall no longer be in effect, subject, however, to the proviso that no person shall be relieved of his obligation to pay any license tax first above mentioned due by such person for, or on account of, transactions occurring when the license tax first above mentioned was in effect; to provide for the payment of either of the two license taxes above mentioned, which is in effect and for the making and maintaining of records and reports with respect thereto; to provide for the collection and distribution of either of the above mentioned license taxes which is in effect and for the enforcement of the provisions of this act; to provide that the Board of Revenue, County Commission or like governing body of any such county shall have the authority to adopt ordinances, rules and regulations pertaining to the collection of either of the above mentioned license taxes or pertaining to the making of reports and maintaining of records with respect thereto; to provide that such ordinances, rules and regulations shall have the force and effect of law; to provide that either of the above mentioned taxes shall constitute a debt to such county which may be collected by civil suit in addition to all other methods provided by law; to provide that either of the above mentioned license taxes, together with interest and penalties with respect thereto, shall constitute a lien upon the property of any person from whom the tax is due; to require any person engaged in selling alcoholic, spirituous, vinous, or fermented liquor to obtain a permit to sell such beverages from the Judge of Probate, License Commissioner, Director of County Department of Revenue, or other public officer performing like duties in such counties; to require any such person to make a deposit of cash or marketable securities or to file a bond in an approximate sum of two times the estimated average monthly tax; to provide that the revenue derived from either of the above mentioned license taxes, less the cost of collection, shall be paid into an Indigent Care Fund, and to provide the purpose or purposes for which either of the above mentioned taxes may be expended; to repeal any act now in effect in counties subject to this act which levies a license tax on the sale of alcoholic, spirituous, vinous, or fermented liquors, and specifically to repeal Act No. 559 of the 1959 Regular Session of the Legislature of Alabama, approved November 15, 1959; to provide for appeals from any tax assessment made under this act; to provide that all taxes due and the remedies and penalties under said statutes repealed shall continue in effect as to any taxes accrued under said repealed statutes; to provide and fix penalties for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act and for the effective date thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 388 of the Regular Session of the Legislature of Alabama of 1965, approved August 13, 1965, which said Act appears on pages 533-547 of the Acts of the Legislature of Alabama of 1965, is hereby amended so as to provide as follows:

"An Act to levy a license tax in all counties in this state of 600,000 population or more according to the last or any succeeding federal census, on persons engaged in selling alcoholic, spirituous, vinous, or fermented liquor at retail and to fix the rate or amount of such tax in the following amounts: Whiskey, gin, brandy, rum, vodka, cocktails, and all other alcoholic beverages except malt beverages, wines and other fermented beverages, sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container of two (2) ounces or less, ten (10) cents; on each bottle or container of more than two (2) ounces and not more than one-half pint, twenty-five (25) cents; on each bottle or container of more than one-half pint and not more than one pint one dollar (\$1.00); on each bottle or container of more than one pint and not more than one-fifth of a gallon one dollar and sixty cents (\$1.60); on each bottle or container of more than one-fifth of a gallon and not more than one quart, two dollars (\$2.00); on each bottle or container of more than one quart, two dollars (\$2.00) plus ten (10) cents for each one and six tenths ( $1\frac{6}{10}$ ) ounces or fractional part thereof in excess of one quart; wines and other fermented beverages sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container, twenty-five (25) cents; to provide that if the governing body of any such county finds and declares by resolution that the discontinuance of the State prohibition against licensees' selling, or keeping for sale, liquor or wine except in the original unbroken package is imminent, then such governing body shall be authorized to levy a license tax, in the amount below prescribed, on each person selling, distributing, delivering, storing, or withdrawing from storage at retail, within the county the beverages hereinabove described in this title; to provide that the amount of such license tax said governing body shall be authorized to levy, as aforesaid, shall be fixed in the ordinance or resolution levying such license tax, which amount shall not be less than 3% or more than 6% of the gross receipts realized by such person from the distribution, delivery, sale, storage or withdrawal from storage in the county of whiskey, gin, brandy, rum, vodka, cocktails and all other alcoholic beverages except malt beverages sold, distributed, stored, or taken out of storage within the county; to provide that the last mentioned license tax shall be called 'the gross receipts tax'; to provide that upon and after the date whereon the gross receipts tax becomes effective the license tax first hereinabove mentioned shall no longer be in effect, subject, however, to the proviso that no person shall be relieved of his obligation to pay any license tax first above mentioned due by such person for, or on account of, transactions occurring when the license tax first above mentioned was in effect; to provide for the payment of either of the two license taxes above mentioned, which is in effect and for the making and maintaining of records and reports with respect thereto; to provide for the collection and distribution of either of the above mentioned license taxes which is in effect and for the enforcement of the provisions of this act; to provide that the Board of Revenue, County Commission or like governing body of any such county shall have the authority to adopt ordinances, rules and regulations pertaining to the collection of either of the above mentioned license taxes or pertaining to the making of reports and maintaining of records with respect thereto; to provide that such ordinances, rules and regulations shall have the force and effect of law; to provide that either of the above mentioned taxes shall constitute a debt to such county which may be collected by civil suit in addition to all other methods provided by law; to provide that either of the above mentioned license taxes, together with interest and penalties with respect thereto, shall constitute a lien upon the property of any person from whom the tax is due; to require any person engaged in selling alcoholic, spirituous, vinous, or fermented liquor to obtain a permit to sell such beverages from the Judge

of Probate, License Commissioner, Director of County Department of Revenue, or other public officer performing like duties in such counties; to require any such person to make a deposit of cash or marketable securities or to file a bond in an approximate sum of two times the estimated average monthly tax; to provide that the revenue derived from either of the above mentioned license taxes, less the cost of collection, shall be paid into an Indigent Care Fund, and to provide the purpose or purposes for which either of the above mentioned taxes may be expended; to repeal any act now in effect in counties subject to this act which levies a license tax on the sale of alcoholic, spirituous, vinous, or fermented liquors, and specifically to repeal Act No. 559 of the 1959 Regular Session of the Legislature of Alabama, approved November 15, 1959; to provide for appeals from any tax assessment made under this act; to provide that all taxes due and the remedies and penalties under said statutes repealed shall continue in effect as to any taxes accrued under said repealed statutes; to provide and fix penalties for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act and for the effective date thereof."

Section 2. Section 3 of Act No 388 of the Regular Session of the Legislature of Alabama of 1965, approved August 13, 1965, (Ala. Acts, 1965, pp. 535-537) is hereby amended so as to provide as follows:

"Section 3. Levy of Tax. (a) Definitions. As used in this Section 3, the following terms have the meanings here given them: 'the county' means any county now or hereafter subject to this Act; 'the county governing body' means the county board of revenue, the county commission or other like body of the county; 'the original section 3' means section 3 of Act No. 388 of the Regular Session of the Legislature of Alabama of 1965, approved on August 13, 1965, which said original section 3 appears on pages 535, 536 and 537 of the Acts of the said Regular Session of 1965; 'the 1979 Amendment' means the Act the Legislature of Alabama adopted during its Regular Session of 1979 amending the original section 3 so as to put said section 3 in its present form; 'section 3 as amended in 1979' means section 3 as amended by the 1979 Amendment; 'the State original unbroken package policy' means the State policy in effect when the original section 3 of Act No. 388 of the 1965 Regular Session was approved in August 1965, prohibiting licensees from selling or keeping for sale liquor or wine except in an original unbroken package; and 'the Director of County Department of Revenue' means the Director of the County Department of Revenue, the License Commissioner, or Judge of Probate of the County, or any other public officer performing like duties in the County.

"(b) Every person engaged in the sale at retail of alcoholic, spirituous, vinous or fermented liquor, except malt or brewed beverage of an alcoholic content not in excess of 4% by weight and 5% by volume, shall, in addition to all other taxes and licenses now imposed by law, pay a license tax to the county in the amount prescribed below in this section 3 of this Act.

"(c) (1) The license tax levied by this subsection (c) of this Section 3 shall remain in effect until but not after the county governing body imposes the gross receipts license tax provided for by subsection (d) of this section 3.

"The license tax levied by this subsection (c) is hereby fixed and created as follows: Whiskey, gin, brandy, rum, vodka, cocktails, and all other alcoholic beverages except malt beverages, wines and other fermented beverages, sold, distributed, delivered, stored, or taken out of storage within the county on each bottle or container of two (2) ounces or less, ten (10) cents; on each bottle or container of more than two (2) ounces and not more than one-half pint, twenty-five (25) cents; on each bottle or container of more than one-half pint and not more than one pint, one dollar (\$1.00); on each bottle or container of more than one pint and not more than one-fifth of a gallon one dollar and sixty cents (\$1.60); on each bottle or container of more than one-fifth of a gallon and not more than one quart, two dollars (\$2.00); on each bottle or container of more than one quart, two dollars (\$2.00) plus ten (10) cents for each one and six-tenths ( $1\frac{6}{10}$ ) ounces or fractional part thereof in excess of one quart; wines and other fermented beverages sold, distributed, delivered, stored or taken out of storage within the county, on each bottle or container, twenty-five (25) cents. On or before the 15th day of the calendar month succeeding the calendar month in which the purchase of such beverages is made, each retailer or person making such purchase for resale shall pay to the county by payment to the Director of County Department of Revenue said license tax at the rate as hereinabove set forth.

"(2) If any amount of said license tax be not paid at or prior to the due date thereof, a penalty of twenty percent (20%) of such amount shall be added thereto and paid by such retailer with a minimum \$15.00 penalty in any event. In addition to the penalty of 20% or the minimum penalty of \$15.00, whichever shall apply, the Board of Revenue, County Commission, or like governing body of such county may revoke the license of such retailer for delinquent payment of the tax provided for herein. In addition to the penalties herein provided, any delinquent tax shall bear interest at the rate of six per cent (6%) per annum from date until paid.

"(3) It shall be the duty of each person subject to the license tax imposed by this act to keep full and complete records of all purchases, receipts and deliveries of liquor and wine, or either from which there can be readily obtained information as to the correct amount of license tax due the county. Such records shall be preserved for not less than two (2) years, and shall be open to inspection and checking at all times during regular business hours by the Director of County Department of Revenue or employees of such Director. The person liable for any license tax imposed by this act shall file with the Director of County Department of Revenue, on or before the final date on which the license tax may be paid without penalty such report or reports, and in such form, as the Director of County Department of Revenue may prescribe sworn to or otherwise evidencing the amount of such purchases and the amount of license tax due thereon.

"(4) Any person selling alcoholic, spirituous, vinous, or fermented liquors purchased from any other person who has paid the license tax thereon as fixed in this subsection (c) of this section 3 shall not be required to pay such license; provided, however, that in order to obtain such exemption such person claiming such exemption must, on or before the fifteenth day of the month next succeeding the effective date of this act, and on or before the 15th day of each and every calendar month thereafter, during which he claims such exemptions, file with the Director of County Department of Revenue a written statement, sworn to and subscribed by such person claiming exemption, showing the name and address of such person, each and every purchase, receipt or procurement of alcoholic, spirituous, vinous or fermented liquors made by such person during the calendar month next preceding, together

with the name and address of the person from whom purchased, received, or procured, the brand of such beverages, the quantity of each brand of such beverages, the size of containers of each brand of such beverages, the date or dates on which purchased, received or procured, and the disposition thereof by such person claiming the exemption, and evidence of payment of such tax by the person from whom such purchase was made; such statement to be made on forms prescribed by the Director of County Department of Revenue.

"(5) Each and every person selling alcoholic, spirituous, vinous or fermented liquors subject to this act, except such as claim and obtain exemptions under the provisions of subsection (4) of this section, shall, on or before the 15th day of the month next succeeding the effective date of this act, and on or before the 15th day of each and every month thereafter, file with the Director of County Department of Revenue, on forms prescribed by such official, a written statement, sworn to and subscribed by such person showing the name and address of such person, each and every purchase, receipt or procurement of alcoholic, spirituous, vinous or fermented liquors made by such person during the calendar month next preceding, together with the name and address of the person or agency from whom purchased, received, or procured, the price paid for each such purchase, the brand of such beverages, the quantity of each brand of such beverages, and the date or dates on which purchased, received, or procured; any licensee who has made no purchases or sales of beverages covered by this act during any month must file with the Director of County Department of Revenue, on forms prescribed by such Director a written statement sworn to and subscribed by such person, attesting that no such purchases or sales were made in such month. This report must be filed on or before the 15th day following any such month; and any person failing, refusing or omitting to file such statement as herein prescribed shall be guilty of a misdemeanor, and each day that such default continues shall constitute a separate offense. It shall constitute a misdemeanor for any licensee to violate any prohibition, established by or under State law, against licensees' selling, or keeping for sale, liquor or wine except in an original unbroken package or container.

"(d) Purpose of this subsection (d). When the original section 3 was adopted in 1965, the State original unbroken package policy was in effect and remained in effect continuously thereafter until the 1979 amendment was drafted. When the 1979 amendment was drafted, said State policy was in effect, but the State officials authorized to establish such State policy had decided to discontinue such policy or were seriously considering the discontinuance of said policy. The discontinuance of the State original unbroken package policy would result in the license tax levied by subsection (c), above, or this section 3 being uncollectible. The purpose of the Legislature in adopting this subsection (d) is to authorize the county governing body to levy the license tax provided for in this subsection (d), when the governing body of the county finds, and declares by resolution the following: that a State officer, or other State authority or agency, named in the resolution, authorized to discontinue the State original unbroken package policy has publicly announced that such policy will be discontinued, and that when the said resolution is adopted it appears that on a date publicly announced by a State officer, authority or agency, which date shall be recited in the resolution, it appears that the State original unbroken package policy will be discontinued.

"Contemporaneously with the adoption of such resolution, or after its adoption, the county governing body shall be authorized to levy the license tax provided for in this subsection (d) on every person engaged in the sale or retail in the county of alcoholic, spirituous, vinous or fermented liquor,

except malt or brewed beverages of an alcoholic content not in excess of 4% by weight and 5% by volume, which license tax shall be in lieu of the license tax provided for by subsection (c) of this section 3, above, and in addition to all other taxes and licenses imposed by law. The license tax the county governing body shall be authorized to levy by this subsection (d) is hereby fixed and created in the amount below stated.

"Such license tax shall be in the amount fixed in the ordinance or resolution levying such license tax, which amount shall not be less than 3% or more than 6% of the gross receipts realized by the licensee from distributing, delivering, selling, storing or withdrawing from storage at retail within the county whiskey, gin, brandy, rum, vodka, cocktails and all other alcoholic beverages except malt beverages. The license tax provided for by this subsection (d) is hereinafter called 'the gross receipts tax'. The county governing body shall be authorized to repeal the gross receipts tax at any time, or to increase or reduce the amount of the gross receipts tax within the limitations as to amounts the second foregoing sentence prescribes. Any ordinance or resolution of the county governing body repealing the gross receipts tax, or changing the amount thereof, shall state the date whereon the repeal or change shall become effective. The repeal of the gross receipts tax, or a change of the amount thereof, shall not affect the liability of any person for any payment of the gross receipts tax insofar as such liability relates to any transaction occurring before the effective date of the said repeal or the said change.

"In the event the governing body repeals the gross receipts tax, the license tax provided for by subsection (c) above, of this Section 3, shall become effective on the first day of the calendar month next succeeding the date whereon the repeal of the gross receipts tax becomes effective.

"The ordinance or resolution levying the gross receipts tax shall state the date on which said gross receipts tax shall become effective, which date shall be the first day of a calendar month subsequent to the month wherein the said ordinance or resolution is adopted. On and after the date whereon the gross receipts tax becomes effective, the license tax levied by subsection (c), above, shall no longer be in effect, provided, however, that no licensee shall be relieved of his obligation to pay any license tax due by such licensee under said subsection (c) for, or on account of, transactions occurring when the license tax provided for by said subsection (c) was in effect.

"The ordinance or resolution levying the gross receipts tax shall provide that in computing the amount of the gross receipts license tax a licensee is obligated to pay to the county such licensee shall not include any receipts realized by such licensee from the sale, distribution, delivery or storage or removal from storage of any alcoholic beverages on which such licensee paid, or is obligated to pay, the license tax provided for by subsection (c), above. The Director of County Department of Revenue shall adopt rules and regulations designed to assure that no licensee is required to pay the gross receipts tax on, or with respect to, any alcoholic beverages on, or with respect to, which such alcoholic beverages the licensee paid, or is obligated to pay, the license tax provided for by subsection (c), above.

"The gross receipts tax, levied by this subsection (d) shall be due and payable monthly on or before the 15th day of the month next succeeding the month in which the tax accrues. On or before the day on which said tax becomes due and payable each person on whom said tax is imposed shall render to the Director of the County Department of Revenue on a form prescribed by said Director, a true and correct statement showing the gross

sales, the gross proceeds of sales, or gross receipts realized by such person from the sale, distribution, delivery, storage or removal from storage at retail in the County of any alcoholic beverages, subject to the gross receipts tax for the then next preceding month, together with such other information as the said Director may require, and at the time of making such monthly report such person shall pay to the Director of the County Department of Revenue the amounts of the tax shown to be due.

"The following provisions of subsection (c), above, of this section 3 shall apply to the gross receipts tax levied by subsection (d) of this section 3: the provisions of that paragraph numbered (2) in subsection (c) imposing a penalty for failure to pay the license tax when due; the provisions of that paragraph numbered (3) in subsection (c) requiring licensees to keep and preserve records; and the provisions of that paragraph numbered (4) in said subsection (c) providing for exemptions."

Section 3. This Act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Yeas 47; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Biddle, Blake, Buskey, Carter, Cates, Coburn, Crow, Daniels, Dial, Drinkard, Ford, Gafford, Grimsley, Hall, Hammett, Harper (O), Harvey, Horn, Johnson (R. G.), Kennedy (C), Kennedy (Y), Letson, McKee, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Penry, Rains, Ray, Seibels, Shoemaker, Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Williams, Willis and Zoghby.

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#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 974. To amend the title and Section 3 of Act No. 388 of the Regular Session of the Legislature of Alabama of 1965 (Acts 1965, p. 533), so as to levy a license tax in all counties in this state of 600,000 population or more according to the last or any succeeding federal census, on persons engaged in selling alcoholic, spirituous, vinous, or fermented liquor at retail and to fix the rate or amount of such tax in the following amounts: Whiskey, gin, brandy, rum, vodka, cocktails, and all other alcoholic beverages except malt beverages, wines and other fermented beverages, sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container of two (2) ounces or less, ten (10) cents; on each bottle or container of more than two (2) ounces and not more than one-half pint, twenty-five (25) cents; on each bottle or container of more than one-half pint and not more than one pint one dollar (\$1.00); on each bottle or container of more than one pint and not more than one-fifth of a gallon one dollar and sixty cents (\$1.60); on each bottle or container of more than one-fifth of a gallon and not more than one quart, two dollars (\$2.00); on each bottle or container of more than one quart, two dollars (\$2.00) plus ten (10) cents for each one and six-tenths (1 6/10) ounces or fractional part thereof in excess of one quart; wines and other fermented beverages sold, distributed, delivered, stored, or taken out of

storage within the county, on each bottle or container, twenty-five (25) cents; to provide that if the governing body of any such county finds and declares by resolution that the discontinuance of the State prohibition against licensees' selling, or keeping for sale, liquor or wine except in the original unbroken package is imminent, then such governing body shall be authorized to levy a license tax, in the amount below prescribed, on each person selling, distributing, delivering, storing, or withdrawing from storage at retail, within the county the beverages hereinabove described in this title; to provide that the amount of such license tax said governing body shall be authorized to levy, as aforesaid, shall be fixed in the ordinance or resolution levying such license tax, which amount shall not be less than 3% or more than 6% of the gross receipts realized by such person from the distribution, delivery, sale, storage or withdrawal from storage in the county of whiskey, gin, brandy, rum, vodka, cocktails and all other alcoholic beverages except malt beverages sold, distributed, stored, or taken out of storage within the county; to provide that the last mentioned license tax shall be called 'the gross receipts tax'; to provide that upon and after the date whereon the gross receipts tax becomes effective the license tax first hereinabove mentioned shall no longer be in effect, subject, however, to the proviso that no person shall be relieved of his obligation to pay any license tax first above mentioned due by such person for, or on account of, transactions occurring when the license tax first above mentioned was in effect; to provide for the payment of either of the two license taxes above mentioned, which is in effect and for the making and maintaining of records and reports with respect thereto; to provide for the collection and distribution of either of the above mentioned license taxes which is in effect and for the enforcement of the provisions of this act; to provide that the Board of Revenue, County Commission or like governing body of any such county shall have the authority to adopt ordinances, rules and regulations pertaining to the collection of either of the above mentioned license taxes or pertaining to the making of reports and maintaining of records with respect thereto; to provide that such ordinances, rules and regulations shall have the force and effect of law; to provide that either of the above mentioned taxes shall constitute a debt to such county which may be collected by civil suit in addition to all other methods provided by law; to provide that either of the above mentioned license taxes, together with interest and penalties with respect thereto, shall constitute a lien upon the property of any person from whom the tax is due; to require any person engaged in selling alcoholic, spirituous, vinous, or fermented liquor to obtain a permit to sell such beverages from the Judge of Probate, License Commissioner, Director of County Department of Revenue, or other public officer performing like duties in such counties; to require any such person to make a deposit of cash or marketable securities or to file a bond in an approximate sum of two times the estimated average monthly tax; to provide that the revenue derived from either of the above mentioned license taxes, less the cost of collection, shall be paid into an Indigent Care Fund, and to provide the purpose or purposes for which either of the above mentioned taxes may be expended; to repeal any act now in effect in counties subject to this act which levies a license tax on the sale of alcoholic, spirituous, vinous, or fermented liquors, and specifically to repeal Act No. 559 of the 1959 Regular Session of the Legislature of Alabama, approved November 15, 1959; to provide for appeals from any tax assessment made under this act; to provide that all taxes due and the remedies and penalties under said statutes repealed shall continue in effect as to any taxes accrued under said repealed statutes; to provide and fix penalties for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act and for the effective date thereof.

As thus amended, was again read at length and passed.



Yeas 48; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Biddle, Blake, Bowling, Buskey, Carter, Cates, Coburn, Cosby, Crow, Daniels, Drinkard, Ford, Gafford, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Johnson (R. G.), Kennedy (C), Kennedy (Y), Letson, McKee, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Seibels, Shoemaker, Starkey, Stewart, Trammell, Venable, Williams, Willis and Zoghby.

—48

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 432. To amend Title 12, Chapter 19, Section 92 of the Code of Alabama 1975, so as to revise and establish fees and allowances paid to constables in Jefferson County; to repeal conflicting statutes of provisions thereof; to provide for an effective date.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Boles, the House concurred in and adopted the Senate amendment to the bill, H. 432, said Senate amendment being as follows:

Amend Section 1 of House Bill 432 by inserting on line 26 the word "actual" between the word "the" and the word "service".

Yeas 50; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Biddle, Blake, Boles, Buskey, Carter, Cates, Cheatwood, Coburn, Cooley Cosby, Crow, Daniels, Drinkard, Ford, Gafford, Goodwin, Grimsley, Hall, Harper (O), Harper (T), Harvey, Horn, Howard, Kennedy (Y), McKee, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Reed, Roberts, Seibels, Smith (C), Starkey, Stewart, Stout, Trammell, Venable, Ward, Willis and Zoghby.

—50

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 432 as thus amended, was again read at length and passed.

Yeas 51; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Biddle, Blake, Boles, Brakefield, Carter, Cates, Cheatwood, Coburn, Cooley, Cosby, Crow, Daniels, Drinkard, Ford, Gafford, Goodwin, Grimsley, Grouby, Harper (O), Harvey, Hilliard, Howard, Jackson, Letson, McKee, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne Pegues, Penry, Rains, Sasser, Seibels, Smith (C), Starkey, Stewart, Stout, Trammell, Venable, Ward, Williams, Willis and Zoghby.

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#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 501, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,  
Executive Secretary.

DONE THIS 30th DAY OF JULY, 1979.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 501, without my signature and approval and with the following suggested Executive Amendment.

Amend House Bill Number 501, page 2, line 28, by inserting after Section 5 a new Section 6, to read as follows:

"Section 6. All costs of implementing this Act are to be borne by any person, firm or corporation which operates, constructs or maintains a nuclear powered electric generating facility within the state licensed by the U. S. Nuclear Regulatory Commission on whose behalf these inquiries are made."

Subsequent section should then be renumbered.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,  
FOB JAMES,  
Governor.

### GOVERNOR'S MESSAGE

On motion of Rep. Carothers, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. 501, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 62; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Biddle, Blake, Brakefield, Buskey, Carothers, Carter, Cheatwood, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Howard, Kelley, Kennedy (C), Kennedy (Y), Langford, Letson, McKee, McMillan, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Waggoner, Williams, Willis, Wyatt and Zoghby.

—62

And the bill:

H. 501. To require any person, firm, or corporation which operates, constructs, or maintains a nuclear powered electric generating facility licenses by the U. S. Nuclear Regulatory Commission to conduct inquiries into the criminal records of any employee who performs duties at such facility; to require that fingerprint cards of such employee be submitted by his employer to the Alabama Department of Public Safety requiring a search to be conducted of state and federal criminal history files with the results thereof being furnished to submitting employer; to provide exemptions of certain employees from the provisions of this Act; and to relieve and hold harmless the Department of Public Safety from any liability arising from disclosure of criminal history records provided under the provisions of this Act.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passes.

Yeas 60; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Biddle, Blake, Brakefield, Buskey, Carothers, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Horn, Howard, Kelley, Kennedy (Y), Langford, Letson, McKee, McMillan, Moore, Naramore, Olive, Owens, Patton, Payne, Penry, Ray, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Ward, Williams, Willis, Wyatt and Zoghby.

—60

## MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor, returning House Bill Number 621, without the Governor's signature.

Respectfully submitted,

JAMES E. FOY,  
Executive Secretary.

DONE THIS 30th DAY OF JULY, 1979.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 621 without my signature and approval.

Respectfully,

FOB JAMES,  
Governor.

## GOVERNOR'S MESSAGE

The House proceeded to reconsider the bill:

H. 621. Relating to Mobile County; to provide for an increase in funds from the general fund of Mobile County for a county health department, including the acquisition of land, the erection, construction, extension, renewal, and the repair of any buildings and improvements thereon and the maintenance and operation of such department; to anticipate such funds by temporary loan certificates; and to repeal all laws or parts of laws in conflict herewith.

Rep. Sandusky moved passage of the bill, H. 621, the Governor's veto to the contrary notwithstanding.

And the bill, H. 621, was again read at length, and the House refused to pass said bill over the veto of the Governor.

Yeas 2; Nays 61.

Yeas: Reps.: Cheatwood and Gilmer.

—2

Nays:

Mr. Speaker, Adams (H), Albright, Amari, Bedsole, Biddle, Blake, Brakefield, Buskey, Clark, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gregg, Grimsley, Hall, Harper (O), Harper (T), Harvey, Hines, Holley, Horn, Johnson (R. G.), Kelley, Kennedy (C), Kennedy (Y), Langford, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (M), Starkey, Stewart, Turner, Venable, Waggoner, Williams, Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 481. To create and provide for the Lawrence County Racing Commission for the regulating, licensing and supervision of horse racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of a licensed race track; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Alabama Senate  
State Capitol  
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill Number 481, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,  
Executive Secretary.

DONE THIS 30th DAY OF JULY, 1979.

To the Alabama Senate  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 481 without my signature and approval and with the suggested Executive Amendment contained herein.

I oppose without equivocation gambling, in any form, anywhere in Alabama. However, I have a deep respect for the rights of local citizens to make their own decisions on local matters as long as those decisions are not violative of the Constitution of the State of Alabama or the United States Constitution.

Further, I believe that in making their own choices by public referendum it is highly desirable that the people be totally informed well in advance of all facets, ramifications, conditions, and probably consequences resulting from the outcome of such public referendum.

Therefore, I suggest the following Executive Amendments to Senate Bill Number 481:

Page 25, add new Section 38 and renumber remaining sections accordingly.

"Section 38. The information required by this section shall be given by the probate judge by publication at least three weeks before the date of any election prescribed by this act in no less than two (2) newspapers of general circulation in the county of Lawrence.

A. The Lawrence County Commission shall authorize the compilation and publication of the following information in the manner prescribed by this section:

(1) A pro forma financial statement for a period of five (5) years projecting anticipated revenue to be received by the county of Lawrence from the operation of the proposed horseracing enterprise authorized by this act.

(2) The estimated annual return on invested capital by all individual investors, promoters, partnerships, stockholders, or corporations who have any present or anticipated financial interest whatsoever in the development or operation of the proposed horseracing enterprise authorized by this act.

(3) The estimated net profit prior to computation of federal income taxes projected over a period of five (5) years accruing to the organizing parties of a horseracing enterprise as authorized by this act. Annual net profit prior to the computation of federal income taxes shall be defined as the sum total of projected annual gross revenue less the sum of projected annual operating expenses plus projected annual local taxes plus projected annual state taxes; provided however, that, projected annual net profit prior to the computation of federal income taxes shall exclude bonuses, declared dividends, or salaries to all individual investors, promoters, partnerships, stockholders, or corporations who have any present or anticipated financial interest in the development and operation of the horseracing enterprise authorized by this act.

B. The Lawrence County Commission shall authorize the compilation and publication of the following information in the manner prescribed by this section:

(1) A survey of the population of counties within a fifty mile radius from any proposed horseracing facility which shall reasonably estimate the per capita income of potential horseracing facility customers. This demographic information shall be compiled from reliable public and private sources.

(2) A reasonable estimate of the annual total losses an average customer would incur through participation in pari-mutuel betting at the proposed horseracing facility authorized by this act. This statistical information shall be compiled from studies conducted on similarly sized pari-mutuel horseracing facilities in other states.

(3) The intent of this subsection is to develop a reasonable economic and demographic profile of potential customers at a proposed pari-mutuel horseracing facility authorized by this act and to reasonably estimate to what degree the average customer will be economically affected by participation in pari-mutuel betting at such facility.

C. The Lawrence County Commission shall authorize the compilation and publication of the following information in the manner prescribed by this section:

(1) A detailed projection of capital outlay required to construct and operate a proposed horseracing facility in Lawrence County.

(2) A comprehensive study which would reveal the exact geographic location, total acreage, and architectural specifications of a proposed horseracing facility in Lawrence County.

D. The Lawrence County Racing Commission shall authorize an annual comprehensive audit of the horseracing enterprise authorized by this act to be conducted by a private auditing firm recommended by the Governor and approved by a majority of the members of the Senate voting. A copy of every final annual audit shall be forwarded to the Governor, Lt. Governor, Speaker of the House of Representatives, members of the Lawrence County Racing Commission, and members of the Lawrence County Commission. The audit shall specifically include the amount of net profit prior to the computation of federal income taxes, as defined by this section, that have accrued to all individual investors, promoters, partnerships, stockholders, or corporations who have had any financial interest whatsoever during the period covered by the audit. The results of said audit shall be public record to be kept on file in the office of probate judge of Lawrence County.

E. All costs and commissions of the compilation of information and publication for such required by this section shall be paid from the general fund of Lawrence County.

Page 25, line 30 strike the comma (,) after the word "county" and insert the following:

"and upon publication of the information as required by Section 38 in the manner prescribed therein,";

Page 26, line 6 between the words "thereof" and "shall insert the following:

"and upon publication of the information as required by Section 38 in the manner prescribed therein,"

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,  
Governor.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 481, by a vote of Yeas 2, Nays 0.

And said Bill, S. B. 481, together with the Executive Amendment, is herewith sent to the House for its consideration.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Letson, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 481, said Governor's amendment being set out in the above and foregoing Message from the Senate.

Yeas 53; Nays 1.

*Yeas:*

Mr. Speaker, Albright, Bedsole, Biddle, Blake, Brakefield, Buskey, Cabaniss, Cosby, Crow, Daniels, Dial Edwards, Gafford, Goodwin, Hall, Harper (O), Harper (T), Hines, Horn, Howard, Kelley, Kennedy (Y), Laird, Langford, Manley, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Turner, Venable, Willis, Wyatt and Zoghby.

—53

*Nay:* Rep. Riddick.

—1

And the bill:

S. 481. To create and provide for the Lawrence County Racing Commission for the regulating, licensing and supervision of horse racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of a licensed race track; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 47; Nays 6.

*Yeas:*

Mr. Speaker, Albright, Biddle, Blake, Brakefield, Buskey, Cabaniss, Cosby, Crow, Daniels, Dial, Edwards, Gafford, Harper (O), Harper (T), Hines, Horn, Johnson (R. G.), Kennedy (C), Kennedy (Y), Laird, Langford, Manley, Moore, Naramore, Olive, Owens, Patton, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Venable, Willis, Wyatt and Zoghby.

—47

*Nays:* Reps.: Carter, Hall, Holley, Riddick, Smith (C) and Starkey.

—6

#### PERMISSION GRANTED

Permission was granted for the Journal to show Rep. McKee voting "Yea" on the bill, S. 481, rather than "Nay".

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 40. To propose and provide for the submission of an amendment to the Constitution of Alabama which revises the Constitution of Alabama of 1901, as amended.

and request a Committee on Conference.



And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Smith, St. John, and Pearson.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Venable, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 40.

And the Speaker named as a Committee on Conference on the part of the House, Reps. Venable, Clark and Zoghby.

Yeas 69; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Blake, Brakefield, Buskey, Cabaniss, Cheatwood, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Hines, Holley, Horn, Johnson (R. G.), Kennedy (Y), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (M), Starkey, Stewart, Stout, Turner, Venable, Ward, Willis, Wyatt and Zoghby.

—69

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Cook and Parsons:

S. J. R. 165. CONGRATULATING AND COMMENDING MISS KELLY LEIGH MANN, NATIONAL "YOUNG MISS AMERICA".

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 165, the title of which is set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Little:

S. J. R. 161. COMMENDING PROFESSOR PAUL C. BURNETT, EMERITUS PROFESSOR OF JOURNALISM, AUBURN UNIVERSITY.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Turnham, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 161, the title of which is set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. White:

S. J. R. 157. REQUESTING THE ALABAMA CONGRESSIONAL DELEGATION TO PROPOSE AN AMENDMENT TO P.L. 93-641.

WHEREAS, the State of Alabama has been advised by the United States Department of Health, Education and Welfare that unless the Legislature of the State of Alabama enacts a Certificate of Need Law which meets their approval, they will penalize the people of the State of Alabama by withholding over 31 million dollars in federal assistance for health care; and

WHEREAS, this attempt at blackmail will cause needless misery and suffering for innocent Alabama citizens; and

WHEREAS, the Legislature of the State of Alabama also believes that a state's right to frame its legislation is one of the most cherished rights secured by the United States Constitution; now therefore,

BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES OF ALABAMA CONCURRING, that we do hereby urge the Alabama Congressional delegation to propose an amendment to Public Law 93-641, the National Health Planning and Development Act, which would enable the Department of Health, Education and Welfare to withhold health planning funds to a state without a satisfactory certificate of need law, rather than needed public health funds that directly aid the citizens of a state.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to all members of the Alabama Congressional delegation.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Hines, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 157, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Mitchem, Bailey, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 154. HONORING TAYLOR HARDIN, DISTINGUISHED ALABAMIAN.

WHEREAS, in public service for more than 35 years, General Taylor Hardin's positions in state government have included that of chief of the Criminal Division in the Attorney General's Office, legal counsel to the Department of Examiners of Public Accounts, chief of the Legal Division in the Department of Finance, State Finance Director and that of Mental Health Commissioner, a post he has held since 1974; and

WHEREAS, his military career spanned four years of service in the U. S. Army during World War II where he earned the rank of Lieutenant Colonel and more than 25 years with the Alabama Army National Guard, retiring June 9, 1975 with the rank of General; and

WHEREAS, during his tenure as Mental Health Commissioner, increased public awareness and concern for mental health programs in Alabama are two areas in which great progress has been made; also, increased physical facilities and a decline in patient population have greatly improved the staff-to-patient ratio, while services and treatment have been notably improved; and

WHEREAS, a University of Alabama graduate with both a Bachelor's degree in journalism and a law degree, Taylor Hardin has received numerous awards and honors through the years, most recently being named Alabama Administrator of the Year for 1979 and election to the Alabama Academy of Honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join in tribute to General Taylor Hardin, voicing our deep appreciation of his long and distinguished career in public service in the State of Alabama and in the military, as well.

BE IT FURTHER RESOLVED, That we most heartily congratulate him on his well-deserved retirement, wish him every future success and direct that he receive a copy of this resolution as but a token of our esteem.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 154, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

## RESOLUTIONS

The following resolution was introduced:

By Reps. Turnham, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams Willis, Wyatt and Zoghby:

H. R. 332. COMMENDING MRS. MARY JANE WOOLFOLK FOR LONG AND FAITHFUL SERVICE TO THE ALABAMA HOUSE OF REPRESENTATIVES.

WHEREAS, having noted the impending retirement of Mrs. Mary Jane Woolfolk, the Alabama House of Representatives desires to pay tribute to a veteran employee who, for more than two decades, has faithfully and capably performed the supervisory duties which are so vital to the daily operation and performance of the Alabama House;

WHEREAS, a native of Matthews, Alabama, Mary Jane Woolfolk Was educated in Atlanta, Georgia, and is a long-time resident of Montgomery; she is married to W. G. "Jake" Woolfolk, prominent Montgomery businessman, and they are the parents of a daughter, Jane Woolfolk McConnell, also of Montgomery; and

WHEREAS, unanimously considered and affectionately known as the "Sweetheart of the House of Representatives," Mrs. Woolfolk has been one of this body's most valued employees; she is exceptionally competent and we truly are ever mindful and deeply appreciative of her diligence and of the superior work she has done for the House of Representatives and all its members; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we most highly commend Mrs. Mary Jane Woolfolk for her many years of faithful service; we sincerely wish her well in retirement and direct that she receive a copy of this resolution in token of appreciation and in praise.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. R. 332, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Kennedy (Y):

H. R. 333. HONORING MR. SAMUEL C. BURTON UPON HIS RETIREMENT AS VETERAN PRINCIPAL OF MATTIE T. BLOUNT HIGH SCHOOL, PRICHARD, ALABAMA.

Also:

By Rep. Kennedy (Y):

H. R. 334. COMMENDING MISS LILLIAN P. WILLIS FOR FORTY-ONE YEARS OF SERVICE IN THE FIELD OF EDUCATION.

Also:

The following resolution was introduced:

By Reps. Smith (M) and Carter:

H. J. R. 335. ENUNCIATING THE LEGISLATIVE INTENT OF ACT NO. 79-252, H. 133 OF THE 1979 REGULAR SESSION, AS IT RELATES TO ANY PERSON ASSIGNED TO THE CAPITOL BUILDING AS CAPITOL HOSTESS AND DIRECTING CERTAIN STATE OFFICIALS TO COMPLY WITH ITS PROVISIONS.

WHEREAS, Act No. 79-252, H. 133 of the 1979 Regular Session provided that the bureau of publicity would have certain persons then serving as capitol hostesses designated as "welcome center workers" and that these people would be assigned to the capitol building; and

WHEREAS, it was and is the legislative intent that these capitol hostesses now assigned as "welcome center workers" and assigned to the capitol for the preceding twelve months prior to the enactment of Act No. 79-252, continue to perform their duties in the capitol building and be paid at the same rate as other capitol hostesses; and

WHEREAS, it was the further legislative intent that such persons were not to be required to travel; and

WHEREAS, the provisions of the said act are being ignored; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the director of the state bureau of publicity and information, the personnel department and any person responsible in any degree under the provisions of said Act No. 79-252 shall proceed forthwith to see that the provisions of said act are implemented and that any difference in the salary paid, since the effective date of the act, and the salary which should have been paid shall be paid retroactively to the effective date of the act.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to each welcome center hostess assigned to the state capitol building, the director of the state bureau of publicity and information, the state personnel department, the director of finance, and the state comptroller.

On motion of Rep. Smith (M), the rules were suspended and the resolution, H. J. R. 335, was adopted.

#### S. 590 RESUMED

And the bill, S. 590 as previously amended and temporarily postponed, was read a third time at length and passed.

Yeas 70; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Blake, Bowling, Buskey, Cabaniss, Carothers, Cheatwood, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Howard, Johnson (R. G.), Kelley, Kennedy (C), Langford, McKee, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Payne, Pegues, Rains, Ray, Reed, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams and Zoghby.

—70

And the bill:

S. 550. To provide for size restrictions of motor vehicles on state highways.

Was taken up.

#### SUBSTITUTE OFFERED

Rep. Stout offered the following substitute to the bill, S. 550:

#### A BILL TO BE ENTITLED AN ACT

To amend Section 32-9-20, Code of Alabama 1975, which provides for the schedule of size and weight restrictions of motor vehicles on state highways, so as to increase the maximum length restriction from 55 feet to 60 feet.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-9-20, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-9-20. It shall be unlawful for any person to drive or move on any highway in this state any vehicle or vehicles of a size or weight except in accordance with the following provisions:

"(1) Width.—No vehicle shall exceed a total outside width, including any load thereon, of eight feet. No vehicle shall be driven or drawn upon a highway with more than four animals abreast. No passenger vehicle shall carry any load extending beyond the line of the fenders. No vehicle hauling forest products or culvert pipe shall have a load exceeding 102 inches in width; provided, that these limits shall not be permitted on any interstate or defense highways where such limits are prohibited by federal statute.

"(2) Height.—No vehicle or semitrailer shall exceed in height 13½ feet, including load.

"(3) Length.—No vehicle shall exceed in length 40 feet; except, that the length of semitrailer trucks, including any part of the body or load, shall not exceed 55 60 feet. No vehicle operated on a highway shall carry any load extending more than a total of five feet beyond both the front and rear, inclusive, of the vehicle.

"(4) Weight.

"a. The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed 20,000 pounds, or such other weight, if any, as may be permitted by federal law to keep the state from losing federal funds; provided, that inadequate bridges shall be posted to define load limits.

"(b. For the purpose of this section, an axle load shall be defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.

"C. Subject to the limit upon the weight imposed upon the highway through any one axle as set forth herein, the total weight with load imposed upon the highway by all the axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distances between the first and last axle of the vehicle or combination of vehicles, measured longitudinally at the nearest foot as set forth in the following table:

COMPUTED GROSS WEIGHT TABLE

For various spacings of axle groupings

Distance in feet between first and last axles of vehicle or combination of vehicles	Maximum load in pounds on all the axles				
	2 axles	3 axles	4 axles	5 axles	6 axles
8 or less	36,000	42,000	42,000		
9	38,000	42,500	42,500		
10	40,000	43,500	43,500		
11		44,000	44,000		
12		45,000	50,000	50,000	
13		45,500	50,500	50,500	
14		46,500	51,500	51,500	
15		47,000	52,000	52,000	
16		48,000	52,500	58,000	58,000
17		48,500	53,500	58,500	58,500
18		49,500	54,000	59,000	59,000
19		50,000	54,500	60,000	60,000
20		51,000	55,500	60,500	66,000
21		51,500	56,000	61,000	66,500
22		52,500	56,500	61,500	67,000
23		53,000	57,500	62,500	68,000
24		54,000	58,000	63,000	68,500
25		54,500	58,500	63,500	69,000

## 30th Day

26	56,000	59,500	64,000	69,500
27	57,000	60,000	65,000	70,000
28	59,000	60,500	65,500	71,000
29	60,000	61,500	66,000	71,500
30		62,000	66,500	72,000
31		63,500	67,000	72,500
32		64,500	68,000	73,500
33		65,000	69,000	74,000
34		65,500	70,000	74,500
35		66,500	71,000	75,000
36		67,000	72,000	76,000
37		68,000	73,000	77,000
38		69,000	74,000	78,000
39		70,000	75,000	79,000
40		71,000	76,000	80,000
41		72,000	77,000	81,000
42		73,000	78,000	82,000
43		74,000	79,000	83,000
44 and over		75,000	80,000	84,000

"Except as provided by special permits, no vehicle or combination of vehicles exceeding the gross weights specified above shall be permitted to travel on the public highways within the state of Alabama.

"No vehicle or combination of vehicles shall be permitted to operate on any portion of the interstate highway system of Alabama that shall have a greater weight than 20,000 pounds carried on any one axle, including all enforcement tolerances, or with a tandem axle weight in excess of 34,000 pounds, including all enforcement tolerances, or with an overall gross weight on a group of two or more consecutive axles produced by application of the following formula:

$$W = 500 \frac{(LN \div 12N + 36)}{N-1}$$

where W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of any group of two or more consecutive axles, and N = number of axles in group under consideration; except, that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, provided the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more; provided, that such overall gross weight may not exceed 80,000 pounds, including all enforcement tolerances. Nothing in this section shall be construed as permitting size or weight limits on the national system of interstate and defense highways in this state in excess of those permitted



under 23 U.S.C. section 127. If the federal government prescribes or adopts weight limits greater than or less than those now prescribed by 23 U.S.C. section 127 for the national system of interstate and defense highways, the increased or decreased limits shall become effective on the national system of interstate and defense highways in this state. Nothing in this section shall be construed to deny the operation of any vehicle or combination of vehicles that could be lawfully operated on the highways and roads of this state on January 4, 1975.

"d. For purposes of enforcement of subdivision (4) of this section, all scaled weights shall be deemed to have a margin of error of 10 percent of the true gross or axle weights.

"e. Dump trucks, dump trailers, concrete mixing trucks, fuel oil, gasoline trucks and trucks designated and constructed for special type work or use shall not be made to conform to the axle spacing requirements of paragraph (4) c of this section; provided, that such vehicle shall be limited to a weight of 20,000 pounds per axle plus scale tolerances; and, provided further, that the maximum gross weight of such vehicles shall not exceed the maximum weight allowed by this section for the appropriate number of axles, irrespective of the distance between axles, plus allowable scale tolerances. All axles shall be brake equipped. Concrete mixing trucks which operate within 50 miles of their home base shall not be required to conform to the requirements of paragraph (4) a of this section; provided, that such vehicles shall be limited to a maximum load of the rated capacity of the concrete mixer, such true gross load not to exceed 66,000 pounds, and all such vehicles shall have at least three axles, each with brake equipped wheels. It shall be a violation if such vehicles named under this subdivision travel upon bridges designated and posted by the highway director as incapable of carrying such loads.

"f. If the driver of any vehicle can comply with the weight requirements of this section by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, said driver shall not be held to be operating in violation of this section.

"g. When portable scales are used in the enforcement of the provisions of this section, the axles of any vehicle described or commonly referred to as tandem or triaxle rigs or units (that is, vehicles having two or more axles in addition to a steering axle), the group of tandem or triaxles shall be weighed simultaneously, and the total weight so derived shall be divided by the number of axles weighed in the group to arrive at the per axle weight. When portable scales are used to determine the weight of a vehicle pursuant to this section, the operator of the vehicle will be permitted to move the vehicle to the nearest platform scales certified by the department of agriculture and industries and operated by a bonded operator within a distance of 10 highway miles, accompanied by an enforcement officer to verify the accuracy of the portable scales used in determining the vehicle weight. If the weight of the vehicle is shown by the platform scales to be within the legal limits of this section, the operator of the vehicle shall not be held to be in violation of this section.

"h. The governing body of a county, by appropriate resolution, may authorize limitations less than those prescribed herein for vehicles operated upon the county highways of such county.

## MOTION TO TABLE LOST

The motion offered by Rep. Owens to table the substitute offered by Rep. Stout to the bill, S. 550, was lost.

Yeas 28; Nays 30.

*Yeas:*

Mr. Speaker, Adams (H), Biddle, Bowling, Cabaniss, Carothers, Clark, Gafford, Grimsley, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Langford, McKee, Manley, Minus, Mitchell, Moore, Olive, Owens, Patton, Pegues, Seibels, Stewart, Williams and Willis.

—28

*Nays:*

Reps.: Albright, Bennett, Blake, Brakefield, Campbell, Cates, Cheatwood, Cooley, Daniels, Ford, Gilmer, Goodwin, Greer, Hall, Hammett, Harvey, Lewis, Naramore, Nevett, Payne, Rains, Ray, Riddick, Smith (J), Starkey, Stout, Trammell, Turner, Turnham and Venable.

—30

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 653. Proposing an amendment to the Constitution of Alabama relative to the levy of an additional three-mill district school tax above and beyond those taxes now in existence.

Also:

H. 540. Divesting the State Highway Department of certain county functions and duties in relation to roads and bridges in "captive" counties, heretofore transferred to it, and revesting such functions in the county governing bodies of the captive counties; providing for the transfer of certain funds, equipment, property and material from the State Highway Department to the county governing bodies; and to provide for the effective date.

Also:

H. 816. To amend Section 41-4-93 of the Code of Alabama, 1975, so as to prevent the appropriations for the maintenance of state roads and bridges from reverting to the Public Road and Bridge Fund from which the appropriation was made at the end of the fiscal year.

McDOWELL LEE,  
Secretary.

## RECESS

Pursuant to the resolution, H. R. 317, heretofore adopted, and the hour of 6:00 o'clock p.m. having arrived, the House recessed until 8:00 o'clock p.m.

HOUSE RECONVENED

The hour of 8:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 293. To amend Section 120 of Act 407, H. B. 198, Regular Session 1971, (Acts of Alabama 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by imposing the requirement of satisfactory completion of a pre-qualification course prior to taking the written examination as provided in Section 120, paragraph (8).

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 335. ENUNCIATING THE LEGISLATIVE INTENT OF ACT NO. 79-252, H. 133 OF THE 1979 REGULAR SESSION, AS IT RELATES TO ANY PERSON ASSIGNED TO THE CAPITOL BUILDING AS CAPITOL HOSTESS AND DIRECTING CERTAIN STATE OFFICIALS TO COMPLY WITH ITS PROVISIONS.

McDOWELL LEE,  
Secretary.

H. 24 TEMPORARILY POSTPONED

On motion of Rep. Gafford, the bill, H. 24 with Executive amendment, was temporarily postponed.

MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 241, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,  
Executive Secretary.

DONE THIS 30TH DAY OF JULY, 1979.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 241, without my signature and approval and with the following suggested Executive Amendment in the form of a substitute as per the attached, which is made a part of this Executive Amendment.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,  
FOB JAMES,  
Governor.

A BILL  
TO BE ENTITLED  
AN ACT

To further provide for taxation relating to the sale of alcoholic beverages; to levy an additional state sales tax on the sale of alcoholic beverages; to provide that the revenues produced from the additional tax shall be collected by the Department of Revenue in the same manner as are other such taxes; to allow the Department of Revenue to retain a certain sum for the cost of collection and redistribution of the net proceeds; to prescribe that all net proceeds generated by this act shall be distributed back to the municipalities from which the taxes are collected; to provide that the municipalities shall redistribute the additional tax proceeds on the same pro rata basis as are other such taxes; and to prohibit any municipality which receives proceeds pursuant to the provisions of this act from levying or collecting any additional taxes on the sale of alcoholic beverages.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other taxes levied and collected on the sale of any alcoholic beverages there is hereby levied an additional state sales tax in the amount of two percent on the gross sales of alcoholic beverages. Such tax shall be in addition to any and all other taxes collected on sales.

Section 2. The Department of Revenue shall collect the revenues generated by this act in the same manner as other taxes and fees collected by it. The department shall redistribute the net proceeds therefrom to the respective municipalities from which the taxes are collected, less any reasonable charges incurred by the department in collecting such taxes; provided, however, such charges shall not exceed a sum equal to five percent (5%) of the amount collected. The department shall prepare and distribute such reports, forms and other information as may be necessary for the collection of the said taxes.

Section 3. The commissioner of the department of revenue is authorized to promulgate all reasonable rules and regulations necessary to implement the provisions of this act.

Section 4. The municipalities shall redistribute the additional tax proceeds, generated by the provisions of this act, in the same manner and on the same pro rata basis as are other tax revenues collected from the sale of alcoholic beverages within the municipality.

Section 5. Any municipality receiving any additional taxes pursuant to the provisions of this act shall be prohibited from levying and collecting any additional taxes or fees on the sale of alcoholic beverages.

Section 6. The provisions of this act are cumulative and shall not be construed to repeal or supersede any laws not directly inconsistent herewith.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### GOVERNOR'S MESSAGE

On motion of Rep. Owens, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 241, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 64; Nays 6.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Bedsole, Bennett, Biddle, Blake, Brakefield, Campbell, Carothers, Cheatwood, Clark, Cobb, Cosby, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Grimsley, Hall, Hammett, Harper (O), Harrison, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—64

*Nays:* Reps.: Carter, Crow, Naramore, Patton, Payne and Seibels. —6

And the bill:

H. 241. To amend 11-51-200 of the Code of Alabama 1975, providing for the levy of a sales tax paralleling the state sales tax by the incorporated cities and towns of the state, so as to remove the prohibition on the levy of such taxes on the alcoholic beverage control board in the sale of alcoholic beverages, and to provide that any counties that have authority to tax under the present law shall have full authority to levy such tax upon the alcoholic beverage control board in the sale of alcoholic beverages as provided under the statutory authorization.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 59; Nays 8.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Bedsole, Bennett, Biddle, Blake, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cosby, Daniels, Dial, Drinkard, Edwards, Gafford, Grimsley, Grouby, Hall,

Hammett, Harper (O), Harrison, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (J), Trammell, Turner, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—59

*Nays:*

Reps.: Crow, Holley, Naramore, Patton, Payne, Rains, Seibels and Smith (C).

—8

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 335. ENUNCIATING THE LEGISLATIVE INTENT OF ACT NO. 79-252, H. 133 OF THE 1979 REGULAR SESSION, AS IT RELATES TO ANY PERSON ASSIGNED TO THE CAPITOL BUILDING AS CAPITOL HOSTESS AND DIRECTING CERTAIN STATE OFFICIALS TO COMPLY WITH ITS PROVISIONS.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### S. 550 RESUMED

#### SUBSTITUTE LOST

The question was then on the adoption of the substitute previously offered by Rep. Stout to the bill, S. 550, and the substitute was lost.

Yeas 31; Nays 44.

*Yeas:*

Reps.: Adams (H), Albright, Amari, Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Cooley, Crow, Daniels, Ford, Gilmer, Greer, Grouby, Hall, Harper (O), Harrison, Horn, Naramore, Nevett, Rains, Riddick, Seibels, Shavers, Stout, Turner, Ward and Wyatt.

—31

*Nays:*

Mr. Speaker, Adams (C), Bedsole, Biddle, Carothers, Clark, Cosby, Dial, Edwards, Gafford, Grimsley, Hammett, Holley, Johnson (R. G.), Kelley,

Kennedy (C), Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Stewart, Trammell, Turnham, Warren, Whatley, Willis and Zoghby.

—44

And the bill, S. 550, was read a third time at length and passed.

Yeas 83; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harrison, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—83

*Nay:* Rep. Seibels.

—1

#### REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

S. J. R. 165. CONGRATULATING AND COMMENDING MISS KELLY LEIGHT MANN, NATIONAL "YOUNG MISS AMERICA".

On motion of Rep. Biddle, the resolution, S. J. R. 165, was adopted.

Also:

S. J. R. 154. HONORING TAYLOR HARDIN, DISTINGUISHED ALABAMIAN.

On motion of Rep. Biddle, the resolution, S. J. R. 154, was adopted.

#### MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 1033, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,  
Executive Secretary.

DONE THIS 30TH DAY OF JULY, 1979.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 1033, without my signature and approval and with the following suggested Executive Amendments.

Amend page 1, lines 16 and 17, by deleting the words "and private dwellings".

Delete Section 2 in its entirety.

Delete Section 3 in its entirety.

Renumber the sections accordingly.

The adoption of the above and foregoing suggested Executive Amendments will remove my objections to this Bill.

Respectfully,

FOB JAMES,  
Governor.

#### GOVERNOR'S MESSAGE

On motion of Rep. Reed, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 1033, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 55; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Bennett, Bowling, Brakefield, Buskey, Campbell, Carter, Cates, Clark, Cobb, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Horn, Johnson (R. G.), Kelley, Kennedy (C), Laird, Langford, McKee, Manley, Minus, Naramore, Nevett, Olive, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Starkey, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—55

And the bill:

H. 1033. Relating to Macon County; to give the county commission certain powers and authority in regard to constructing and maintaining roads and driveways leading to schools, churches, church owned cemeteries, and private dwellings.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 57; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Bowling, Brakefield, Buskey, Campbell, Carter, Cates, Cheatwood, Clark, Cobb,



Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Johnson (R. G.), Kelley, Kennedy (C), Laird, Langford, McKee, Manley, Minus, Naramore, Nevett, Patton, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Starkey, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

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#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 652. To amend Section 16-13-51, Code of Alabama, 1975, relating to the Minimum Program Fund and requirements for participation therein.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

Rep. Bennett offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 652, said Senate amendment being as follows:

Delete Section 3 completely on page 6, lines 8, 9, 10 and 11, and insert in lieu thereof the following Section 3:

Section 3. The provisions of this Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law, and upon the ratification of an amendment to the state constitution proposed by an Act of the 1979 Regular Session of the legislature, House Bill 653, which relates to the authorization of a special levy of an additional three mill district school tax by the various school districts of the state.

Amend House Bill No. 652 Page 2 Line 9, by striking out the figure 1981 and insert in lieu thereof the figure "1982"

#### SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Manley to indefinitely postpone the bill, H. 652 with Senate amendment was lost.

Yeas 25; Nays 52.

*Yeas:*

Reps.: Adams (C), Biddle, Buskey, Cates, Clark, Cosby, Edwards, Gilmer, Grimsley, Grouby, Harper (O), Holley, Johnson (R. G.), Kelley, Manley, Minus, Moore, Olive, Parker, Pegues, Shoemaker, Stewart, Venable, Warren and Williams.

—25

*Nays:*

Reps.: Adams (H), Albright, Amari, Bedsole, Bennett, Blake, Bowling, Brakefield, Campbell, Carter, Cheatwood, Cobb, Coburn, Cooley, Crow, Dial, Dixon, Drinkard, Ford, Goodwin, Greer, Gregg, Hall, Hammett, Harper (T),

Harrison, Holmes, Howard, Jackson, Johnson (Roy), Laird, Langford, Lewis, McKee, Naramore, Nevett, Payne, Rains, Ray, Riddick, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stout, Turnham, Ward, Whatley and Wyatt.

—52

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 483. To provide further for the compensation of circuit judges and district attorneys.

Also:

H. 791. To amend Section 36-27-21.1, Code of Alabama 1975, which provides a cost-of-living increase to certain retired persons so as to allow counties and municipalities to elect to come under the provisions of the plan at the beginning of any fiscal year.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 432. To amend Title 12, Chapter 19, Section 92 of the Code of Alabama 1975, so as to revise and establish fees and allowances paid to constables in Jefferson County; to repeal conflicting statutes of provisions thereof; to provide for an effective date.

Also:

H. 669. Relating to Madison County; to require that certain county owned motor vehicles be marked for identification purposes with a county decal or stencil on the sides of such vehicles, and to provide a fine for violation of such identification.

Also:

H. 860. To provide additional revenue in Barbour County; levying in that part of Barbour County outside the corporate limits of the city of Eufaula special county privilege license and excise taxes paralleling, at lower rates,

state sales and use taxes as provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the act by the state department of revenue; and prescribing penalties and fixing punishment for violations of the act; and to provide a referendum election.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 974. To amend the title and Section 3 of Act No. 388 of the Regular Session of the Legislature of Alabama of 1965 (Acts 1965, p. 533), so as to levy a license tax in all counties in this state of 600,000 population or more according to the last or any succeeding federal census, on persons engaged in selling alcoholic, spirituous, vinous, or fermented liquor at retail and to fix the rate or amount of such tax in the following amounts: Whiskey, gin, brandy, rum, vodka, cocktails, and all other alcoholic beverages except malt beverages, wines and other fermented beverages, sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container of two (2) ounces or less, ten (10) cents; on each bottle or container of more than two (2) ounces and not more than one-half pint, twenty-five (25) cents; on each bottle or container of more than one-half pint and not more than one pint one dollar (\$1.00); on each bottle or container of more than one pint and not more than one-fifth of a gallon one dollar and sixty cents (\$1.60); on each bottle or container of more than one-fifth of a gallon and not more than one quart, two dollars (\$2.00); on each bottle or container of more than one quart, two dollars (\$2.00) plus ten (10) cents for each one and six-tenths (1-6/10) ounces or fractional part thereof in excess of one quart; wines and other fermented beverages sold, distributed, delivered, stored, or taken out of storage within the county, on each bottle or container, twenty-five (25) cents; to provide that if the governing body of any such county finds and declares by resolution that the discontinuance of the State prohibition against licensees' selling, or keeping for sale, liquor or wine except in the original unbroken package is imminent, then such governing body shall be authorized to levy a license tax, in the amount below prescribed, on each person selling, distributing, delivering, storing, or withdrawing from storage at retail, within the county the beverages hereinabove described in this title; to provide that the amount of such license tax said governing body shall be authorized to levy, as aforesaid, shall be fixed in the ordinance or resolution levying such license

tax, which amount shall not be less than 3% or more than 6% of the gross receipts realized by such person from the distribution, delivery, sale, storage or withdrawal from storage in the county of whiskey, gin, brandy, rum, vodka, cocktails and all other alcoholic beverages except malt beverages sold, distributed, stored, or taken out of storage within the county; to provide that the last mentioned license tax shall be called 'the gross receipts tax'; to provide that upon and after the date whereon the gross receipts tax becomes effective the license tax first hereinabove mentioned shall no longer be in effect, subject, however, to the proviso that no person shall be relieved of his obligation to pay any license tax first above mentioned due by such person for, or on account of, transactions occurring when the license tax first above mentioned was in effect; to provide for the payment of either of the two license taxes above mentioned, which is in effect and for the making and maintaining of records and reports with respect thereto; to provide for the collection and distribution of either of the above mentioned license taxes which is in effect and for the enforcement of the provisions of this act; to provide that the Board of Revenue, County Commission or like governing body of any such county shall have the authority to adopt ordinances, rules and regulations pertaining to the collection of either of the above mentioned license taxes or pertaining to the making of reports and maintaining of records with respect thereto; to provide that such ordinances, rules and regulations shall have the force and effect of law; to provide that either of the above mentioned taxes shall constitute a debt to such county which may be collected by civil suit in addition to all other methods provided by law; to provide that either of the above mentioned license taxes, together with interest and penalties with respect thereto, shall constitute a lien upon the property of any person from whom the tax is due; to require any person engaged in selling alcoholic, spirituous, vinous, or fermented liquor to obtain a permit to sell such beverages from the Judge of Probate, License Commissioner, Director of County Department of Revenue, or other public officer performing like duties in such counties; to require any such person to make a deposit of cash or marketable securities or to file a bond in an approximate sum of two times the estimated average monthly tax; to provide that the revenue derived from either of the above mentioned license taxes, less the cost of collection, shall be paid into an Indigent Care Fund, and to provide the purpose or purposes for which either of the above mentioned taxes may be expended; to repeal any act now in effect in counties subject to this act which levies a license tax on the sale of alcoholic, spirituous, vinous, or fermented liquors, and specifically to repeal Act No. 559 of the 1959 Regular Session of the Legislature of Alabama, approved November 15-1959; to provide for appeals from any tax assessment made under this act; to provide that all taxes due and the remedies and penalties under said statutes repealed shall continue in effect as to any taxes accrued under said repealed statutes; to provide and fix penalties for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act and for the effective date thereof.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 816. To amend Section 41-4-93 of the Code of Alabama, 1975, so as to prevent the appropriations for the maintenance of state roads and bridges from reverting to the Public Road and Bridge Fund from which the appropriation was made at the end of the fiscal year.

Also:

H. 653. Proposing an amendment to the Constitution of Alabama relative to the levy of an additional three-mill district school tax above and beyond those taxes now in existence.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 652 RESUMED

The question was then on the motion offered by Rep. Bennett that the House concur in and adopt the Senate amendment to the bill, H. 652, said Senate amendment being set out in a previous Message from the Senate, and the motion was adopted.

Yeas 79; Nays 7.

Yeas:

Reps.: Adams (C), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cheatwood, Clark, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Holmes, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Lewis, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Rains, Riddick, Sandusky, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turnham, Waggoner, Ward, Warren, Whatley, Willis and Wyatt.

—79

Nays:

Reps.: Cates, Gilmer, Grouby, Hines, Holley, Ray and Williams.

—7

## MOTION TO SUSPEND RULES AND PASS

Rep. Bennett offered the motion to suspend the rules and vote on passage of the bill, H. 652 as amended.

## DIVISION OF THE QUESTION

Rep. Manley called for the Division of the Question and the call was sustained.

## MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Bennett to suspend the rules in order to take up for passage the bill, H. 652 as amended, and the motion was lost, lacking a four-fifths vote.

Yeas 65; Nays 27.

*Yeas:*

Reps.: Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Coburn, Cooley, Daniels, Dial, Dixon, Drinkard, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Hammett, Harper (T), Harrison, Harvey, Hilliard, Hines, Horn, Howard, Jackson, Johnson (Roy), Kennedy (C), Langford, Lewis, McKee, McMillan, Mitchell, Moore, Naramore, Nevett, Olive, Payne, Riddick, Sandusky, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Whatley and Wyatt.

—65

*Nays:*

Reps.: Adams (C), Biddle, Campbell, Cates, Clark, Cobb, Cosby, Crow, Edwards, Gilmer, Grimsley, Grouby, Harper (O), Holley, Holmes, Johnson (R. G.), Laird, Manley, Minus, Parker, Pegues, Penry, Rains, Shoemaker, Stewart, Warren and Williams.

—27

REPORT OF CONFERENCE COMMITTEE  
ON SUBSTITUTE H. B. 225

We, your Committee on Conference appointed to reconcile the difference between the two Houses concerning Substitute H. B. 225 beg leave to report as follows:

That the Senate of Alabama and the House of Representatives concur in and adopt the following:

The attached substitute bill for Substitute to H. B. 225.

RICK MANLEY,

DUANE LEWIS,

GERALD DIAL,

Conferees of the House.

JOHN TEAGUE,

DOUG COOK,

REO KIRKLAND,

Conferees of the Senate.

A BILL  
TO BE ENTITLED  
AN ACT

To provide for a staggered system of registration for the annual issuance of motor vehicle licenses; to provide for five-year annually renewable license plates for private passenger automobiles and pick-up trucks; to provide for interim validation tabs indicative of periodic registration payment; to provide for numeric county prefixes; to provide for the design, manufacture and purchase of license plates and validation tabs; to provide for a penalty for the late registration of motor vehicles and the distribution of penalty fees; to repeal Section 32-6-50, Code of Alabama 1975, which provided for the five-year tags; to amend Section 40-12-265, Code of Alabama 1975, to provide a minimum fine of \$25.00 for improper tags and to authorize county judges of probate or the appropriate licensing authority established by local Act to process the replacement of mutilated and lost tags; to amend Section 40-2-12, Code of Alabama 1975, to allow the destruction of source documents after microfilming upon validation of the reproduction; to amend Section 40-12-271, Code of Alabama 1975, to increase the license issuance fee for probate judges and license commissioners; and to create a joint legislative committee to oversee the implementation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective from and after October 1, 1980, the licensing, registration and ad valorem taxation of motor vehicles in compliance with the laws of the State of Alabama shall be on a staggered basis.

To implement this Act, the licensing, registration and taxation may be for periods less than or greater than twelve months during the conversion year only. However, such proration of fees during the implementation of a staggered registration system shall result in the collection of a total amount of monies for the taxable year no more nor less than the current annual amounts received.

During the implementation period and thereafter the licensing, registration and taxation for vehicles weighing 12,000 pounds and over shall be prorated on a monthly basis.

Section 2. The staggered system for the licensing, registration and taxation of motor vehicles shall be implemented thusly: The first letter of an individual's last name shall determine the month in which a vehicle owner shall register his vehicle(s), as indicated below:

January	— A, D
February	— B
March	— C, E
April	— F, G, N
May	— H, O
June	— M, I
July	— P, L
August	— J, K, R
September	— Q, S, T

October	— U, V, W, X, Y, Z
November	— Trucks, mobile homes, commercial fleets, etc.
December	— Trucks, mobile homes, commercial fleets, etc.

After the conversion period all owners of passenger vehicles and pick-up trucks shall register their vehicles over a twelve-month period. All fleets and commercial vehicles shall be registered during the months of October and November.

Section 3. The license plates for private passenger automobiles and pick-up trucks, such truck being defined as any truck with two axles and a gross weight not exceeding 12,000 pounds, shall be valid for five years and shall be replaced at the end of that period. License plates for all other vehicles shall be valid for one year and shall be replaced at the end of that period.

Section 4. For the years during which the five-year license plates are not issued, in lieu thereof, tabs, stamps, or other devices suitable for attaching to a motor vehicle license plate shall be issued. The tab, stamp or device shall indicate the period for which it was issued and shall, when properly affixed to the license plate, evidence payment for the motor vehicle license fees and taxes for the period indicated thereon. Such tab, stamp or device shall be such size as the legislative oversight committee, as provided for in this act, deems appropriate and shall bear a bright reflective background contrasting with the digits or letters printed thereon. The first three letters of the month of expiration shall be printed on the bottom portion of said tab, stamp or device and shall be no less than three inches in width and one inch in height.

Any numbers shown on such tab, stamp or device shall be for accounting purposes only, to be used by the department of revenue, and shall in no way be used for the identification of the vehicle.

A person changing his county of residence shall be required to purchase a license plate indicating his new county or residence upon expiration of the license period covered by his present license plate or validation device and shall turn in his old license plate.

Section 5. The design of license plates, including all emblems, slogans, symbols or characters appearing thereon, shall be by regulation as promulgated by the revenue commissioner, and as otherwise specified by law. However, the face of the license plate to be displayed shall be fully treated with a retroreflective material which will increase the nighttime visibility and legibility of the plate. There shall also be provided a special license plate for handicapped persons who operate their motor vehicles with hand controls which shall be specially colored red, white and blue. The purchase of these tags shall be optional with the vehicle owner, who shall bear the cost of such plates, and in no way shall the purchase of these tags be construed as mandatory upon a handicapped person.

Characters on the license plate which designate the county of issuance shall be numeric, and all numerals on said plates shall be no smaller than  $2\frac{3}{4}$  inches in height. The following numbering scheme shall be used:

(1) Jefferson County, 1; Mobile County, 2; Montgomery County, 3.

(2) All other counties shall be ranked alphabetically and assigned consecutive numbers beginning with 4 and concluding with 67.



The board of corrections is directed to supply all license plates and revalidation devices required under this Act. The amounts charged by the board of corrections for the manufacture of revalidation devices shall not be less than that charged for the manufacture of license plates on a per item basis.

The board of corrections is hereby required to maintain an accurate system of record-keeping which shall trace and account for the handling and distribution of each plate and revalidation device throughout the manufacturing process until such items are distributed to each county.

After the five-year tag has been in use for a period of three years the Board of Corrections is hereby directed to manufacture all subsequent tags for the remaining two years of such period from a metal of less durability and quality than the metal used in manufacturing the five-year tags.

Section 6. There shall be one uniform registration renewal form to be used statewide. Such form shall be designed so as to provide for both the transfer of ownership and the registration of the vehicle. The department of revenue, or any other state agency authorized to do so, shall print and issue vehicle registration renewal notices in such a way that they can be processed or read by "optical character reader" machines. All receipts shall be sent to the county agencies charged with handling vehicle registration. This paragraph shall not be construed to give the department of revenue authority to centralize vehicle registration. Centralized registration is specifically prohibited and it is the legislative intent that automotive vehicle registration shall remain at the county level.

A penalty of \$5.00 shall be assessed by the official charged with issuing motor vehicle licenses for the late registration of a motor vehicle under the system of registration imposed by this Act. Licenses shall be renewed at any time during the month of expiration; provided, however, persons renewing licenses within ten calendar days after the month of expiration shall pay only a \$2.00 penalty fee. This fee shall not be construed as coming under the requirements of Section 40-12-269.

Section 7. Section 40-12-265, Code of Alabama 1975, is amended to read as follows:

"§ 40-12-265.

"(a) It shall be unlawful for any person to mutilate or alter for the purpose of deception any motor vehicle tag, plate or validation stamp or to use upon any motor vehicle any tags, plates or validation stamps in limitation of or substitution for authorized issued tags, plates or validation stamps. It shall be the duty of all sheriffs, police officers, state troopers, highway patrolmen, license inspectors, deputy license inspectors and field agents of the department of revenue to arrest any person violating the provisions of this section, and upon conviction of any such person a fine of not less than \$25.00 nor exceeding \$100.00 shall may be imposed for each offense. The license inspector shall receive the same a fee of \$1.50 for making such arrest as is now received by the sheriffs or if such arrests are made by his deputy, which arrest fee shall be collected as a part of the costs in any such action before a justice of the peace or other court of like competent jurisdiction.

"(b) In case one or both of the tags, the tag, plates plate or validation stamp become so mutilated as to make it or them illegible, the owner of the vehicle must file with the county license inspector, or if there is no license inspector then with the probate judge, an application setting forth the facts

that the tags tag, plates plate or validation stamp or one of them has been lost, mutilated or destroyed; and, upon payment of \$3.00 \$2.00 and the surrender of the tag, or tags, plate or plates, one or both of which are so if mutilated or lost, the license inspector probate judge or the appropriate licensing authority established by local Act shall forward such tag or tags, plate or plates which have been surrendered, together with the application and \$2.00 \$1.00 to the state department of revenue, and which shall issue without additional charge a set of replacement tags tag or plates and forward same validation stamp to the applicant party designated by the license inspector on the application. The probate judge or the appropriate licensing authority established by local Act license inspector shall retain \$1.00 for his service, and to defray the cost of mailing the tags or plates to the department of revenue. Should the lost tag or tags, plate or plates be recovered or come into the possession of such applicant, he must immediately deliver same to the license inspector probate judge or the appropriate licensing authority established by local Act. Should any person use upon any motor vehicle the old tag or tags, plate or plates validation stamp, he shall be guilty of a misdemeanor and upon conviction be fined as provided in subsection (a) of this section, and shall in addition be required to procure a proper license at the annual rate levied for such license.

"(c) Any person using a motor vehicle with improper license, improper tag or tags, plate or plates or validation stamp, or failing to have tag or tags, plate or plates validation stamp properly displayed, or with only one tag or plate shall be notified in writing by the license inspector or field agent. If after five days from the date of such notice said person fails or refuses to comply with said notice, the license inspector shall thereupon issue citation to such person to appear instanter and procure such proper license or, in the case of mutilated or lost license plate or plates validation stamp, to make the application and pay the amount as herein provided,; where such person is cited for improperly displaying the license plate or plates validation stamp and fails or refuses to comply with the citation of the license inspector, such person shall be arrested and, upon conviction, fined as herein provided. In each case where the citation has been served in accordance herewith, the license inspector shall be entitled to a citation fee of \$1.50."

Section 8. Section 40-2-12, Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-2-12.

"The commissioner of revenue of the State of Alabama is authorized to make or to have made microfilm copies, photostatic copies or other similar photographic reproductions of any books, records, returns, files, minutes, letters, correspondence, motor vehicle registration cards, reports, petitions, permits, applications, receipts, assessments, notices and any other document required to be maintained or kept by the department of revenue or any agency, division or employee thereof. The commissioner of revenue is authorized to destroy or cause to be disposed of, at any time after the expiration of three years after the date of receipt, validation of the reproduction, any or the above named documents which have been microfilmed, photostated or otherwise photographed. Such microfilm, photostat or other photograph shall be retained and kept in lieu of such documents required to be kept or maintained."

Section 9. Section 40-12-271, Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-12-271.

"The probate judge or license commissioner of the county, for issuing the licenses required by this article or by any other law prescribing licenses for operating motor vehicles, shall be allowed a fee of \$.75 \$1.25 issuing each license for operating motor vehicles. Such fees shall be paid to the probate judge or license commissioner of the county by the owner at the time of the issuance of the license tag."

Section 10. It is hereby specifically provided that this Act shall be construed in *pari materia* with Sections 32-8-32 and 32-8-33, Code of Alabama 1975.

Section 11. There is hereby created a legislative committee to oversee the implementation and administration of this Act. Such committee shall be composed of three members of the House of Representatives, who shall be appointed by the Speaker of the House, and serve at his pleasure, and three members of the Senate, who shall be appointed by the Lieutenant Governor, who shall serve at his pleasure, The Director of the Alabama Criminal Justice Information Center, the Director of Public Safety, and the President of the Probate Judges Association. The chairman who shall be picked by the members of the committee from the legislative members on the committee, shall have the authority to call meeting of the committee when he deems it necessary.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

Section 12. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this Act are repealed, specifically Section 32-6-50, Code of Alabama 1975.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### REPORT OF COMMITTEE ON CONFERENCE ADOPTED

On motion of Rep. Lewis, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 225, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 85; Nays 6.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Laird, Langford, Lewis, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turnham, Venable, Waggoner, Whatley, Williams, Willis, Wyatt and Zoghby.

*Nays:*

Reps.: Albright, Hall, Shavers, Smith (C), Ward and Warren.

—6

And the bill:

H. 225. To provide for a staggered system of registration for the annual issuance of motor vehicle licenses; to provide each count with the option of converting to this system; to provide for five-year annually renewable license plates for private passenger automobiles and pick-up trucks; to provide for interim validation tabs indicative of periodic registration payment; to provide for numeric county prefixes; to provide for the design, manufacture and purchase of license plates and validation tabs; to provide for a penalty for the late registration of motor vehicles and the distribution of penalty fees; to repeal Section 32-6-50, Code of Alabama 1975, which provided for the five-year tags; to amend Section 40-12-265, Code of Alabama 1975, to provide a minimum fine of \$25.00 for improper tags and to authorize county judges of probate or the appropriate licensing authority established by local act except in case of Madison County the Director of Motor Vehicle Licensing to process the replacement of mutilated and lost tags; to amend Section 40-2-12, Code of Alabama 1975, to allow the destruction of source documents after microfilming upon validation of the reproduction; and to create a joint legislative committee to oversee the implementation of this Act.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 80; Nays 6.

*Yeas:*

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Willis, Wyatt and Zoghby.

—80

*Nays:*

Reps.: Albright, Hall, Holley, Shavers, Smith (C), and Warren.

—6

#### S. 142 RESUMED

And the bill, S. 142 which previously was temporarily postponed, was again read at length and passed, as amended by the Report of the Committee on Conference, which was three-fifths of all those elected to the House.

Yeas 76; Nays 13.

*Yeas:*

Reps.: Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark, Cosby, Crow, Dial, Dixon, Edwards, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Pegues, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—76

*Nays:*

Reps.: Adams (H), Albright, Blake, Cooley, Daniels, Hall, Harper (O), Harrison, Naramore, Payne, Penry, Rains and Ray.

—13

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 540. Divesting the State Highway Department of certain county functions and duties in relation to roads and bridges in "captive" counties heretofore transferred to it, and revesting such functions in the county governing bodies of the captive counties; providing for the transfer of certain funds, equipment, property and material from the State Highway Department to the county governing bodies; and to provide for the effective date.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 664. To amend Section 16-3-9, Code of Alabama 1975, relating to expense allowance and other compensation for members of the state board of education in transacting the business of the board.

Also:

H. 577. To amend Act No. 588, S. 660, 1978 Regular Session (Acts of 1978, p. 692), which appropriates money to Alabama Institute for Deaf and Blind to build a sheltered workshop so as to authorize a portion of said money to be used to construct an automotive body and fender shop.

Also:

H. 818. Relating to Jefferson County; to repeal Act No. 392, H. 1191, 1975 Regular Session, (Acts 1975, p. 975) entitled "An Act To alter, rearrange and extend the boundaries and corporate limits of the Town of Trafford in Jefferson County, Alabama, so as to annex certain territory to the town."

Also:

H. 767. To amend Code of Alabama 1975, Section 9-11-51, so as to increase the penalty for nonresident hunting without a license.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 389. To provide a conditional appropriation from the state treasury to the use of the Board of Trustees of the University of Alabama in Birmingham for capital outlay purposes.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 763, without the Governor's signature and approval.

Respectfully submitted,

JAMES E. FOY,  
Executive Secretary.

DONE THIS 30TH DAY OF JULY, 1979

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 763, without my signature and approval.

The Alabama attorney general has ruled that maintenance of private driveways by governmental entities is unconstitutional.

Respectfully,  
FOB JAMES,  
Governor.

GOVERNOR'S MESSAGE

The House proceeded to reconsider the bill:

H. 763. Relating to Fayette County; giving the county governing body certain powers in regard to maintaining roads and rights-of-way leading to homes or residences on private property.

Rep. Gilmer moved passage of the bill, H. 763, the Governor's veto to the contrary notwithstanding.

And the bill, H. 763, was again read at length and the House refused to pass said bill over the veto of the Governor, lacking the majority of the whole number elected to the House.

Yeas 13; Nays 1.

*Yeas:*

Reps.: Blake, Brakefield, Cabaniss, Cheatwood, Cobb, Crow, Dial, Gafford, Gilmer, Laird, Naramore, Payne and Rains.

—13

*Nay:* Rep. Nevett.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 165. To amend Section 9-11-237 of the Code of Alabama 1975, so as to increase the minimum and maximum amount of the fine for any person, firm or corporation convicted of selling, offering or exposing for sale, buying, purchasing, bartering or exchanging anything of value for any game bird or game animal or any part thereof.

Also:

S. 477. To amend sections 32-9-20, 32-9-21 and 32-9-25 of the Code of Alabama 1975 relating to the length restrictions of certain motor vehicles so as to exclude approved detachable wind deflection devices from such restrictions.

Also:

S. 481. To create and provide for the Lawrence County Racing Commission for the regulating, licensing and supervision of horse racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of a licensed race track;

to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide certain penalties for the violation of this act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the act will become effective in the county.

Also:

S. 564. Relating to Madison County; to reallocate Madison County's share of payments made by the Tennessee Valley Authority and certain alcoholic beverage tax revenues to the state in lieu of ad valorem taxes; and providing an expiration date.

Also:

S. J. R. 157. REQUESTING THE ALABAMA CONGRESSIONAL DELEGATION TO PROPOSE AN AMENDMENT TO P.L. 93-641.

Also:

S. J. R. 161. COMMENDING PROFESSOR PAUL C. BURNETT, EMERITUS PROFESSOR OF JOURNALISM, AUBURN UNIVERSITY.

Also:

S. 293. To amend Section 120 of Act 407, H. B. 198, Regular Session 1971, (Acts of Alabama 1971, Volume II, Page 774), as amended, which regulates the licensing of insurance agents, by imposing the requirement of satisfactory completion of a pre-qualification course prior to taking the written examination as provided in Section 120, paragraph (8).

Also:

S. 550. To provide for size restrictions of motor vehicles on state highways.

Also:

S. J. R. 154. HONORING TAYLOR HARDIN, DISTINGUISHED ALABAMIAN.

Also:

S. J. R. 165. CONGRATULATING AND COMMENDING MISS KELLY LEIGH MANN, NATIONAL "YOUNG MISS AMERICA."

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.



MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor returning House Bill Number 24, without the Governor's signature and approval.

Respectfully submitted,

JAMES E. FOY,  
Executive Secretary.

DONE THIS 30TH DAY OF JULY, 1979.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 24 without my signature and approval.

This administration favors the full disclosure of state finances. The current statute requires a journal of salaries or compensation for certain unclassified employees.

Respectfully,

FOB JAMES,  
Governor.

GOVERNOR'S MESSAGE

The House proceeded to reconsider the bill:

H. 24. To repeal Section 36-6-9, Code of Alabama 1975, which deals with the compiling of a journal of salaries or compensation for certain unclassified employees.

Rep. Gafford moved passage of the bill, H. 24, the Governor's veto to the contrary notwithstanding.

And the bill, H. 24, was again read at length and passed, the Governor's veto to the contrary notwithstanding.

Yeas 65; Nays 0.

Yeas:

Reps.: Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Cates, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holmes, Horn, Jackson, Johnson (R. G.), Kelley, Laird, Langford, McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Parker, Payne, Pegues, Penry, Rains, Reed,

Sandusky, Sasser, Seibels, Shoemaker, Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Whatley, Williams, Willis, Wyatt and Zoghby.

—65

Which was a majority of the whole number elected to the House.

#### MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 860, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,  
Executive Secretary.

DONE THIS 30TH DAY OF JULY, 1979.

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill 860, without my approval and with the following suggested executive amendment:

Amend Section 9 of the Substitute for House Bill 860 by striking the following language beginning on line 11 of page 13: "on the same day as the next general or special election" and inserting in lieu thereof the following language:

upon the call of the probate judge of Barbour County, not less than 30 days nor more than 60 days

The adoption of the above suggested amendment will remove my objection to this bill.

Respectfully,

FOB JAMES,  
Governor.

#### GOVERNOR'S MESSAGE

On motion of Rep. Whatley, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 860, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 44; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Cates, Coburn, Crow, Daniels, Edwards,

Gafford, Grouby, Hammett, Harper (O), Harper (T), Hilliard, Holley, Horn, Johnson (R. G.), Kennedy (C), McMillan, Moore, Naramore, Nevett, Olive, Owens, Payne, Penry, Sasser, Seibels, Smith (J), Starkey, Stewart, Trammell, Turner, Whatley, Willis, Wyatt and Zoghby.

—44

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 860. To provide additional revenue in Barbour County; levying in that part of Barbour County outside the corporate limits of the city of Eufaula special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the act by the state department of revenue; and prescribing penalties and fixing punishment for violations of the act; and to provide a referendum election.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 48; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Cates, Coburn, Crow, Daniels, Drinkard, Ford, Gafford, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Holley, Horn, Johnson (R. G.), Kennedy (C), Langford, McKee, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Sasser, Seibels, Smith (J), Starkey, Stewart, Trammell, Turner, Whatley, Willis, Wyatt and Zoghby.

—48

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 728. Relating to Madison County; to give the County Commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, persons, firms or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or sales of materials to churches, individuals, firms or corporations.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Smith (J), the House concurred in and adopted the Senate amendment to the bill, H. 728, said Senate amendment being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Madison County; to give the County Commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, persons, firms or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or sales of materials to churches, individuals, firms or corporations.

Be It Enacted by the Legislature of Alabama:

Section 1. The Madison County Commission is hereby authorized and empowered, within Madison County, to go upon private property and perform work or services for churches, individuals, firms or corporations and to sell materials to churches, individuals, firms or corporations.

Section 2. It is the intent of this bill to make available to the citizens of Madison County services only when such services are not reasonably available to them at a reasonable cost from private enterprise. Upon the enactment of this bill and during the month of January each year thereafter, the Madison County Commission shall investigate the availability of work, services and material from private enterprise in the various areas of Madison County and shall enter upon the minutes of Madison County Commission the results of such investigation. The Madison County Commission shall thereafter adopt a written policy governing the doing of such work or services and the sale of such material. The policy shall include a description of the work and services which will be performed and the materials to be sold and a limitation upon the areas in which such work or services will be performed and in which materials will be sold to those areas in which such work, services or material is not reasonably available at a reasonable cost from private enterprise. The policy shall include a provision that such work, services, or materials is available to all citizens of Madison County where such work, services or material is not reasonably available from private enterprise at a reasonable cost. The written policy adopted by the Madison County Commission shall be published annually in a newspaper of general circulation in Madison County in the type normally used for news stories.

Section 3. No work may be done by the Madison County Commission upon private property unless the Madison County Commission has no present need for the use for public county purposes of the personnel and equipment necessary to perform such work and unless the Madison County Commission is justly compensated for work or services performed and for the materials used or sold. In determining just compensation for work or services performed and for materials used or sold, all indirect costs including but not limited to overhead, management and depreciation shall be included.

Section 4. Before any work or services are performed on private property or material is sold to churches, individuals, firms or corporations, a written contract must be signed by the party for whom the work or services is to be performed or to whom the material is to be sold stating the work to be

done or material sold, the amount to be paid for such work or services or material or the rate by which the amount to be paid for such work, services or material will be computed. The work or services performed must be paid for at the time it is completed and any material delivered must be paid for at the time the material is delivered. The name of each church, individual, firm or corporation for whom work or services is performed or to whom material is delivered shall be entered upon the permanent minutes of the Madison County Commission at its next regular meeting following the completion of the work or the delivery of the material, along with a description of the work performed or material delivered and a statement of the price paid to the county for the work performed or material sold.

Section 5. There shall be a limitation of one thousand dollars (\$1,000) expenditure for any twelve (12) month period for work performed on private property or sale of materials to any church, individual, firm or corporation.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 46; Nays 1.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Cates, Cobb, Coburn, Cosby, Crow, Daniels, Drinkard, Gregg, Grouby, Hall, Harper (O), Harper (T), Hilliard, Horn, Kelley, Kennedy (C), Lewis, McKee, Moore, Naramore, Nevett, Olive, Owens, Penry, Riddick, Sasser, Seibels, Smith (J), Stewart, Stout, Trammell, Tucker, Turner, Willis, Wyatt and Zoghby.

—46

*Nay:* Rep. Payne.

—1

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 728 as thus amended, was again read at length and passed.

Yeas 47; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Cates, Cobb, Daniels, Drinkard, Gregg, Grouby, Hall, Harper (T), Harvey, Hilliard, Horn, Johnson (R. G.), Kelley, Kennedy (C), Kennedy (Y), Lewis, McKee, McMillan, Moore, Naramore, Nevett, Olive, Owens, Payne, Penry, Riddick, Sasser, Seibels, Smith (J), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Willis and Wyatt.

—47

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 667. To provide for county law libraries in each county, and for the personnel, space, funding, operation, and maintenance thereof, making said law libraries part of a network with the other law libraries in the state for their mutual benefit; permitting present county law libraries to come under the provisions of this act if they elect to do so.

McDOWELL LEE,  
Secretary.

## SENATE MESSAGE

On motion of Rep. Manley, the House concurred in and adopted the Senate amendment to the bill, H. 667, said Senate amendment being as follows:

A BILL  
TO BE ENTITLED  
AN ACT

To provide for county law libraries in each county, and for the personnel, space, funding, operation, and maintenance thereof, making said law libraries part of a network with the other law libraries in the state for their mutual benefit; permitting present county law libraries to come under the provisions of this act if they elect to do so.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of each county by resolution thereof shall have the power to establish and maintain a county law library for each courthouse in their respective counties for the use and benefit of the county and state officials, court system, and the public; and shall have the power to appropriate and set aside for the establishment, maintenance, and support of said libraries, such space and funds as it shall deem necessary and appropriate. All resolutions setting up county law libraries shall be filed in the probate office of the county where located and with the Administrative Director of Courts.

Section 2. The governing body of each county having county law libraries under existing laws on the effective date of this act may come under the provisions of this act by resolution thereof, upon the request of the presiding circuit judge, and the filing of a copy of said resolution with the Secretary of State and the Administrative Director of Courts. This is an alternative method to the local act method of establishing county law libraries and a county may elect at any time to use either method but may not have a county law library under both methods at the same time. All county law

libraries established under the provisions of this act shall become owners and successors to all property, funds, and obligations of their predecessors and all property and funds subsequently acquired by the county law libraries.

Section 3. In return for the county law libraries serving the legal materials needs of the county and court officials and of the citizens of the county, the county governing body may furnish adequate space and utilities for law libraries established under the provisions of this act and may supplement the book and materials budget if it considers such to be needed.

Section 4. Municipal governing bodies may appropriate funds or property to the county law libraries in consideration of said libraries making their facilities and holdings available to the citizens of the municipalities.

Section 5. Upon the establishment of a county law library, or the continuance of a present county law library under the provisions of this act, the presiding judge of the circuit, or a district or circuit judge designated by him, may appoint a full or part time County Law Librarian or custodian.

Section 6. The presiding circuit judge for the county or County Law Librarian if one exists, shall administer the county law library and shall disburse the library funds, and shall appoint such librarians and assistants as are necessary for the proper operation of the library. The presiding judge of the circuit shall appoint an advisory committee to the county law library.

Section 7. Upon the establishment of a county law library under the provisions of this act each county shall have and maintain a separate fund known as the County Law Library Fund and may have a separate law library fund for each law library in the county. The county law library funds shall consist of funds appropriated by the state, county, or municipal governments, funds collected under the provisions of law, proceeds from the sale of copies, books and other materials, or received from donations, gifts, grants, and funds other than those appropriated, and shall be audited as county funds are audited. Said fund may be used to match grants for library purposes. Library funds may be used to pay library personnel. All purchases by or on behalf of such library shall be exempt from all State of Alabama, county or municipal sales, use, or other similar taxes.

Section 8. County law libraries shall have the power to receive gifts, grants, and to exchange books and materials with other libraries and may furnish the legal needs of books, materials, and copies to the county officials and circuit, probate, and district court officials at no cost.

Section 9. For the support and maintenance of county law libraries established under the provisions of this act a library fee of two dollars shall be paid in all causes and cases of whatever nature in the district and circuit courts of the various counties wherein this law is in effect, to be collected as other court costs are collected and paid at the same time as docket or filing fees are paid. Said library fees shall be paid in all proceedings wherein a docket or filing fee is paid. All of the funds collected under the provisions of this section shall be transmitted to the proper County Law Library Fund by the tenth of each month following their collection.

Section 10. County Law Libraries shall be on the distribution list of the Secretary of State to receive one set each of the Acts of Alabama and the Code of Alabama and the supplements thereto.

Section 11. The county law libraries are a part of a network of law libraries with the state-supported law libraries, and the non-state-supported law libraries on a voluntary basis, for their mutual benefit.

Section 12. The state, counties, and state agencies have the authority to transfer, sell, give, or lend books, property, and materials to the county law libraries; and said county law libraries have the authority to transfer books, property, and materials to the state, counties, and state agencies, and to other county law libraries in the state on a voluntary basis.

Section 13. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. The provisions of this act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Yeas 55; Nays 1.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Brakefield, Buskey, Campbell, Cates, Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Ford, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Hilliard, Horn, Johnson (R. G.), Kelley, Kennedy (C), Kennedy (Y), Laird, Langford, Letson, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Penry, Riddick, Seibels, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Willis and Wyatt.

—55

*Nay:* Rep. Holley.

—1

And the bill, H. 667 as thus amended, was again read at length and passed.

Yeas 57; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Cates, Cobb, Cosby, Crow, Dial, Drinkard, Ford, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hilliard, Horn, Johnson (R. G.), Kelley, Kennedy (Y), Laird, Langford, Letson, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Penry, Riddick, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Willis and Wyatt.

—57

*Nays:* Reps.: Holley and Payne.

—2

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:



H. 577. To amend Act No. 588, S. 660, 1978 Regular Session (Acts of 1978, p. 692), which appropriates money to Alabama Institute for Deaf and Blind to build a sheltered workshop so as to authorize a portion of said money to be used to construct an automotive body and fender shop.

Also:

H. 664. To amend Section 16-3-9, Code of Alabama 1975, relating to expense allowance and other compensation for members of the state board of education in transacting the business of the board.

Also:

H. 767. To amend Code of Alabama 1975, Section 9-11-51, so as to increase the penalty for nonresident hunting without a license.

Also:

H. 818. Relating to Jefferson County; to repeal Act No. 392, H. 1191, 1975 Regular Session, (Acts 1975, p. 975) entitled "An Act To alter, rearrange and extend the boundaries and corporate limits of the Town of Trafford in Jefferson County, Alabama, so as to annex certain territory to the town."

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed, with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Crow offered the motion to reconsider the vote by which the rules failed to be suspended for passage of the bill, H. 652 as amended by the Senate amendment.

#### SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Owens to temporarily postpone the bill, H. 652 as amended, was lost.

Yeas 37; Nays 42.

*Yeas:*

Reps.: Adams (C), Adams (H), Amari, Biddle, Cabaniss, Carothers, Clark, Cooley, Cosby, Dixon, Drinkard, Edwards, Gafford, Gregg, Grimsley, Grouby, Hammett, Harvey, Holley, Johnson (R. G.), Kelley, Laird, Langford, Manley, Minus, Olive, Owens, Parker, Payne, Pegues, Ray, Shoemaker, Smith (C), Stout, Warren, Williams and Willis.

—37

*Nays:*

Reps.: Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Cates, Cheatwood, Coburn, Crow, Daniels, Gilmer, Goodwin, Harper (T), Harrison,

Hilliard, Horn, Howard, Jackson, Kennedy (C), Kennedy (Y), McKee, Moore, Naramore, Nevett, Rains, Riddick, Sandusky, Seibels, Shavers, Smith (M), Starkey, Stewart, Trammell, Tucker, Turner, Turnham, Ward, Whatley, Wyatt and Zoghby.

—42

## MOTION TO RECESS LOST

The motion offered by Rep. Biddle that the House recess, was lost.

Yeas 32; Nays 43.

*Yeas:*

Reps.: Adams (C), Biddle, Cabaniss, Carothers, Carter, Clark, Cosby, Drinkard, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Harvey, Holley, Johnson (R. G.), Kelley, Langford, Manley, Minus, Moore, Olive, Owens, Parker, Payne, Pegues, Shoemaker, Trammell, Venable, Warren and Willis.

—32

*Nays:*

Reps.: Amari, Bennett, Blake, Brakefield, Buskey, Campbell, Cobb, Crow, Daniels, Dial, Gilmer, Gregg, Harper (O), Harper (T), Harrison, Hilliard, Holmes, Horn, Howard, Jackson, Kennedy (Y), Lewis, Mitchell, Naramore, Penry, Rains, Ray, Riddick, Seibels, Shavers, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Turnham, Waggoner, Ward, Whatley, Williams, Wyatt and Zoghby.

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## RECESS

Rep. Biddle moved for a ten minute recess and permission for Rules Committee to meet. The motion for a recess carried but there was objection to the motion to permit the Rules Committee to meet.

## HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

## MOTION TO SUSPEND HOUSE RULE LOST

The motion offered by Rep. Holley to suspend House Rule 44 to permit a committee meeting during the sitting of the House, was lost, lacking a four-fifths vote.

Yeas 36; Nays 29.

*Yeas:*

Reps.: Adams (C), Albright, Biddle, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Clark, Cobb, Daniels, Dixon, Gafford, Goodwin, Grimsley, Grouby, Hall, Hammett, Harvey, Holley, Kelley, Laird, Langford, Lewis, McKee, Manley, Mitchell, Olive, Patton, Payne, Penry, Seibels, Smith (J), Venable and Wyatt.

—36

*Nays:*

Mr. Speaker, Bennett, Blake, Brakefield, Buskey, Cheatwood, Ford, Harper (T), Harrison, Hilliard, Horn, Howard, Jackson, Johnson (R. G.), Kennedy (C), Moore, Nevett, Rains, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Tucker, Ward, Williams and Willis.

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#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 225. To provide for a staggered system of registration for the annual issuance of motor vehicle licenses; to provide for five-year annually renewable license plates for private passenger automobiles and pick-up trucks; to provide for interim validation tabs indicative of periodic registration payment; to provide for numeric county prefixes; to provide for the design, manufacture and purchase of license plates and validation tabs; to provide for a penalty for the late registration of motor vehicles and the distribution of penalty fees; to repeal Section 32-6-50, Code of Alabama 1975, which provided for the five-year tags; to amend Section 40-12-265, Code of Alabama 1975, to provide a minimum fine of \$25.00 for improper tags and to authorize county judges of probate or the appropriate licensing authority established by local Act to process the replacement of mutilated and lost tags; to amend Section 40-2-12, Code of Alabama 1975, to allow the destruction of source documents after microfilming upon validation of the reproduction; to amend Section 40-12-271, Code of Alabama 1975, to increase the license issuance fee for probate judges and license commissioners; and to create a joint legislative committee to oversee the implementation of this Act.

And said Bill, H. B. 225, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs.: Gulledge, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 167. HONORING MR. G. HAYWARD FORRESTER, DEPUTY SUPERINTENDENT OF BANKS FOR THE STATE OF ALABAMA.

Also:

By Messrs. Goodwin and Vacca:

S. J. R. 169. COMMENDING JAMES CURTIS HAMBRIGHT ON HIS OUTSTANDING BOXING CAREER.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Turnham, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 167, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Rains, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 169, the title of which is set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. White:

S. J. R. 172. CREATING A CONTINUING SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICAID PROGRAMS AND REPEALING AND SUPERSEDING ACT NO. 79-390, S. J. R. 128 OF THE 1979 REGULAR SESSION.

WHEREAS, the Medicaid program of the State of Alabama is taking a larger and larger portion of the funds in the state treasury; and

WHEREAS, there exists on a regular basis a crisis situation with the administration of state funds for the medicaid program; and

WHEREAS, the members of the general public and state officials are becoming alarmed at the increasing cost of this program to the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a continuing joint select committee to be composed of four members of the House and four members of the Senate to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of the medicaid program with particular emphasis on the increasing cost to the state of such program. The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1980 Regular Session and each regular session thereafter. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a

meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee and the total expenses of the committee shall not exceed \$7,000.00.

BE IT RESOLVED FURTHER, That this shall repeal and supersede Act No. 70-390, S. J. R. 128 of the 1979 Regular Session.

McDOWELL LEE,  
Secretary.

### SENATE MESSAGE

On motion of Rep. Carothers, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 172, set out in the above and foregoing Message from the Senate.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 907. To provide one investigator for the District Attorney of the Twenty-third Judicial Circuit and to prescribe compensation and provide authority and power; to provide investigative equipment.

McDOWELL LEE,  
Secretary.

### SENATE MESSAGE

On motion of Rep. Smith (J), the House concurred in and adopted the Senate amendment to the bill, H. 907, said Senate amendment being as follows:

### A BILL TO BE ENTITLED AN ACT

To provide two investigators for the District Attorney of the Twenty-third Judicial Circuit and to prescribe compensation and provide authority and power.

Be It Enacted by the Legislature of Alabama:

Section 1. The District Attorney for the Twenty-third Judicial Circuit is hereby authorized to appoint two investigators for such office (one of whom shall be the Trial Coordinator).

Section 2. Compensation of said investigator shall be a minimum of Ten thousand five hundred and no/100 dollars (\$10,500.00) and a maximum of Sixteen thousand five hundred and no/100 dollars (\$16,500.00), which shall be paid from the General Fund of Madison County, Alabama, in equal biweekly installments as other county employees are paid. The annual compensation paid the investigator shall be subject to cost-of-living adjustments as authorized for other employees of Madison County, Alabama.

Section 3. The Personnel Board of Madison County shall establish the salary level for each investigator provided herein, provided, however, that no investigator who is currently employed shall have his salary reduced.

Section 4. The investigators for the Twenty-third Judicial Circuit shall have the same authority and powers vested in deputy sheriffs and all other peace officers of the State of Alabama. He shall be responsible to the District Attorney for the Twenty-third Judicial Circuit and shall perform all duties assigned to him by the District Attorney.

Section 5. All laws or parts of laws which conflict with the Act are repealed.

Section 6. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective on October 1, 1979.

Yeas 34; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Bennett, Blake, Bowling, Brakefield, Carothers, Cheatwood, Coburn, Cosby, Edwards, Goodwin, Gregg, Hall, Harper (O), Hilliard, Hines, Kennedy (Y), Olive, Pegues, Penry, Rains, Ray, Riddick, Shavers, Smith (J), Starkey, Turner, Turnham, Venable, Ward, Williams and Willis

—34

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 907. To provide two investigators for the District Attorney of the Twenty-third Judicial Circuit and to prescribe compensation and provide authority and power.

As thus amended, was again read at length and passed.

Yeas 39; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Blake, Bowling, Brakefield, Carothers, Cheatwood, Cobb, Coburn, Edwards, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Hines, Kennedy (Y), McMillan, Moore, Olive, Owens, Pegues, Penry, Rains, Ray, Riddick, Smith (J), Starkey, Trammell, Turner, Turnham, Venable, Ward, Williams and Willis.

—39

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 136. To authorize designated agents to issue temporary license tags and temporary registration certificates for motor vehicles to be permanently licensed outside the state of Alabama; to authorize manufacturers and dealers of mobile homes, trailer coaches, travel trailers or house trailers to issue temporary license tags and registration certificates for such vehicles which are to be licensed outside Alabama; to authorize probate judges or other county officials authorized and required by law to issue motor vehicle license tags to issue temporary license tags and temporary registration certificates when a permanent license tag cannot be immediately issued or when other good cause exists; to provide for the period of validity of such temporary license tags and registration certificates; to provide for the fees to be collected, records to be maintained, and forms to be utilized in connection with issuance of temporary license tags and registration certificates; to empower the department of revenue with the authority to adopt rules and regulations, prescribe forms and otherwise implement the provisions of the Act; and to impose criminal penalties for violation of the provisions of the Act.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama  
Gentlemen:

I transmit herewith a Message from the Governor, concerning Senate Bill Number 136, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,  
JAMES E. FOY,  
Executive Secretary.

DONE THIS 30TH DAY OF JULY, 1979.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama  
Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 136 without my signature, and approval and with the following suggested Executive Amendment.

Section 6, page 4, line 12, delete "General Fund" and substitute in lieu thereof "Public Road and Bridge Fund."

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,  
FOB JAMES,  
Governor.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 136, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 24; Nays 0.

And said Bill, S. B. 136, together with the Executive Amendment, is herewith sent to the House for its consideration.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Carothers, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 136, said Governor's amendment being set out in the above and foregoing Message from the Senate.

Yeas 33; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bennett, Bowling, Carothers, Cheatwood, Coburn, Drinkard, Ford, Grimsley, Hammett, Harper (T), Holley, Horn, Kelley, Kennedy (Y), Langford, Moore, Olive, Pegues, Penry, Rains, Ray, Riddick, Starkey, Trammell, Turnham, Venable, Ward, Williams, Willis and Wyatt.

—33

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 136 as amended by the amendment proposed by His Excellency the Governor, was again read at length and passed.

Yeas 42; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Bedsole, Bennett, Bowling, Carothers, Cheatwood, Coburn, Drinkard, Ford, Grimsley, Hammett, Harper (T), Harley, Horn, Kelley, Kennedy (Y), Langford, McKee, McMillan, Manley, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Riddick, Seibels, Smith (C), Starkey, Stout, Trammell, Turner, Turnham, Venable, Ward, Williams, Willis and Wyatt.

—42

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.



MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 1063, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

JAMES E. FOY,  
Executive Secretary.

DONE THIS 30TH DAY OF JULY, 1979.

To The House of Representatives of Alabama  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill 1063, without my approval and with the following suggested executive amendment:

Amend Section 15 of House Bill 1063, page 10, lines 4 and 5, by striking the words "the county general fund for the use of county", and by inserting in lieu thereof the following:

"a separate fund in the county treasury for the use of the county sheriff's department."

The adoption of the above suggested amendment will remove my objection to this bill.

Respectfully,

FOB JAMES,  
Governor.

GOVERNOR'S MESSAGE

On motion of Rep. Dial, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 1063, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 41; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Blake, Bowling, Carothers, Cates, Cheatwood, Clark, Coburn, Cosby, Dial, Edwards, Grimsley, Hammett, Harper (O), Harvey, Hines, Horn, Johnson (R. G.), Kelley, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Pegues, Penry, Ray, Shoemaker, Smith (J), Starkey, Trammell, Turner, Turnham, Venable, Ward, Williams, Willis and Zoghby.

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1063. Relating to Talladega County; to promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine wholesalers and wine retailers by the Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize the levy of county and municipal license fees thereon; to impose an exclusive tax on or measured by the sale of table wine in Talladega County and to provide for the collection, administration and distribution thereof; to prescribe violations and offenses, and to provide for the imposition of fines and the suspension or revocation of licenses.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 48; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Blake, Bowling, Buskey, Carothers, Cates, Cheatwood, Coburn, Cosby, Dial, Drinkard, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Johnson (R. G.), Kelley, Kennedy (C), Langford, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Pegues, Penry, Rains, Ray, Seibels, Shoemaker, Smith (J), Starkey, Trammell, Turner, Turnham, Venable, Ward, Williams, Willis, Wyatt and Zoghby.

—48

## PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF CONFERENCE COMMITTEE  
SUBSTITUTE FOR H. B. 418

We, the Committee on Conference appointed to reconcile the difference between the two Houses concerning House Bill 418, have met, considered the matter, and agreed to the attached substitute.

GERALD O. DIAL,  
WALLACE SHOEMAKER,  
PHILLIP B. KELLEY,  
Conferees of the House.  
DONALD G. HOLMES,  
LISTER HILL PROCTOR,  
JOHN A. TEAGUE,  
Conferees of the Senate.

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 12-17-144, Code of Alabama 1975, which relates to prior service credit for benefits of supernumerary circuit clerks and registers, so as to allow circuit clerks or registers prior service credit for time spent as probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-17-144, Code of Alabama 1975, is hereby amended to read as follows:

"Section 12-17-144. (a) Prior service credit may be obtained by a clerk or register in office on October 1, 1976, for years served in the individual capacity of clerk or register on a continuous basis. Prior service credit must either be for time served as clerk or as register without allowance for service as both clerk and register; provided, that prior service credit for each individual position may not be combined. A person seeking to qualify as supernumerary clerk shall count only time served as clerk, and one seeking to qualify as supernumerary register shall count only time served as register. Prior service credit may also be obtained by a clerk or register for any years served in the capacity of probate judge, provided such service as probate judge was continuous. If any person subject to the provisions of this division shall seek to obtain prior service as either clerk or register, he shall contribute to the clerks' and registers' supernumerary fund, state of Alabama, for each year for which prior service credit is sought up to a maximum of 15 years. No official under this division shall be eligible for prior service credit to become supernumerary unless payments as provided hereafter have been paid. However, any official who otherwise qualifies may become eligible upon October 1, 1976 1978, or within two years thereof, by paying in a lump sum computed on the basis of the formula enumerated in this section or by paying such sum into the appropriate fund, in equal installments, with no interest, over a two-year period from October 1, 1976 1978; provided, that no compensation benefits shall accrue to any official electing to become supernumerary hereunder until all contributions have been paid.

"(b) Payments necessary for prior service credit shall be computed as follows:

"(1) Circuit clerks shall contribute an amount equal to five percent of their salary or, if on fees, the base sum payable by the state as salary to circuit clerks pursuant to section 12-17-142, for each year for which prior service credit is sought; and

"(2) Circuit registers shall contribute an amount equal to five percent of the highest net annual income received for services rendered for any one year of the three years next preceding February 14, 1975."

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

REPORT OF COMMITTEE ON CONFERENCE ADOPTED

On motion of Rep. Dial, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 418, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 48; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Blake, Bowling, Carothers, Cates, Cheatwood, Crow, Dial, Drinkard, Ford, Gafford, Gilmer, Grimsley, Hammett, Harper (O), Harper (T), Harvey, Hines, Horn, Johnson (R. G.), Kelley, Langford, McKee, Manley, Minus, Moore, Naramore, Olive, Owens, Payne, Pegues, Rains, Ray, Riddick, Seibels, Shoemaker, Smith (J), Starkey, Trammell, Turner, Turnham, Venable, Williams, Willis, Wyatt and Zoghby.

—48

*Nays:* Reps.: Shavers and Stout.

—2

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 418. To amend Section 12-17-144, Code of Alabama 1975, which relates to prior service credit for benefits of supernumerary circuit clerks and registers, so as to allow circuit clerks or registers prior service credit for time spent as probate judge.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 49; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Amari, Biddle, Blake, Bowling, Cates, Cheatwood, Crow, Dial, Ford, Gafford, Gilmer, Grimsley, Hammett, Harper (O), Harvey, Hines, Horn, Johnson (R. G.), Kelley, Langford, McKee, Manley, Minus, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Sandusky, Seibels, Shoemaker, Smith (J), Starkey, Trammell, Turner, Turnham, Venable, Williams, Willis, Wyatt and Zoghby.

—49

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

#### MOTION TO SUSPEND RULES

Rep. Ford offered the motion to suspend the rules and take up out of order the bill, S. 596.

#### DIVISION OF THE QUESTION

Rep. Carothers called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Rep. Ford to suspend the rules in order to take up out of order the bill, S. 596, and the motion was adopted.

Yeas 72; Nays 12.

*Yeas:*

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Horn, Howard, Johnson (R. G.), Kennedy (C), Kennedy (Y), Laird, Langford, Letson, Lewis, Minus, Mitchell, Moore, Naramore, Patton, Pegues, Penry, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—72

*Nays:*

Reps.: Carothers, Grimsley, Harvey, Jackson, Kelley, Manley, Olive, Owens, Payne, Rains, Roberts and Ward.

—12

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 590. To amend Section 25-4-70, Section 25-4-78 and Section 25-4-134, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to meet federal law requirements; to clarify the denial of benefit provisions for certain educational employees and to provide for the reduction of benefits by the amount of pensions or retirement pay; to correct a reorganization of procedures for the collection of delinquent taxes and reports made in the 1975 Code.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 860. To provide additional revenue in Barbour County; levying in that part of Barbour County outside the corporate limits of the city of Eufaula special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the act by the state department of revenue; and prescribing penalties and fixing punishment for violations of the act; and to provide a referendum election.

by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 0.

And said Bill, H. B. 860, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE.  
Secretary.

#### S. 596 RESUMED

And the bill:

S. 596. To provide conditional appropriations totalling \$12 million to the Medicaid Program for the current fiscal year of 1978-79, said fiscal year ending on September 30, 1979.

Was taken up.

#### AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, S. 596:

Amend Senate Bill No. 596 by reducing the amount on line 22, page 1 to \$10,000,000.00

#### AMENDMENT TABLED

On motion of Rep. Turner, the amendment offered by Rep. Holley to the bill, S. 596, was tabled.

Yeas 51; Nays 18.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carter, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Johnson (R. G.), Kennedy (Y), Laird, Mitchell, Moore, Olive, Payne, Ray, Riddick, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Willis and Zoghby.

—51

*Nays:*

Reps.: Bedsole, Campbell, Carothers, Cates, Cheatwood, Clark, Grimsley, Harvey, Holley, Kelley, McKee, McMillan, Manley, Owens, Rains, Roberts, Trammell and Wyatt.

—18

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 275. To raise revenue by levying a privilege or excise tax on every person licensed under the provisions of Title 28, Article 4, Code of Alabama 1975, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax; to prescribe penalties for failure to collect or pay the tax or for possession of unidentified malt or brewed beverages; to provide for identification of such beverages; and to supersede and repeal Title 23, Article 5, Chapter 3, Code of Alabama 1975, and repeals other conflicting laws.

by a majority of the whole number elected to the Senate, said vote being Yeas 19, Nays 0.

And said Bill, H. B. 275, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 501. To require any person, firm, or corporation which operates, constructs, or maintains, a nuclear powered electric generating facility licensed by the U. S. Nuclear Regulatory Commission to conduct inquiries into the criminal records of any employee who performs duties at such facility; to require that fingerprint cards of such employee be submitted by his employer to the Alabama Department of Public Safety requiring a search to be conducted of state and federal criminal history files with the results thereof being furnished to submitting employer; to provide exemptions of certain employees from the provisions of this Act; and to relieve and hold harmless the Department of Public Safety from any liability arising from disclosure of criminal history records provided under the provisions of this Act.

by a majority of the whole number elected to the Senate, said vote being Yeas 23, Nays 0.

And said Bill, H. B. 501, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 1009. Relating to Lauderdale County; providing further for the salary of the members of the Board of Equalization, payable pursuant to Section 40-3-8 of the Code of Alabama 1975, with the municipality, county and state sharing the costs therefor; and providing for retroactive effect to May 15, 1979.

by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 0.

And said Bill, H. B. 1009, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 157. To amend Sections 34-27-4, 34-27-31 and 34-27-35 of the Code of Alabama 1975, as amended, Regular Session, 1978, Acts No. 654, pertaining to qualifications for real estate broker and real estate salesmen licensees, so as to establish a "Real Estate Recovery Fund"; to provide procedural rights for aggrieved parties in certain real estate transactions and to provide for the termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

by a majority of the whole number elected to the Senate, said vote being Yeas 19, Nays 0.

And said Bill, H. B. 157, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

#### S. 596 RESUMED

And the bill, S. 596, was read a third time at length and passed.

Yeas 71; Nays 8.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark, Coburn, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Kennedy (C), Kennedy (Y), Laird, Langford, Mitchell, Moore, Naramore, Parker, Patton, Payne, Pegues, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Willis, Wyatt and Zoghby.

—71

*Nays:*

Reps.: Campbell, Carothers, Kelley, Manley, Olive, Owens, Seibels and Ward.

—8

#### MOTION TO SUSPEND RULES LOST

Rep. Turnham offered the motion to suspend the rules and take up out of order the bill, S. 202, and the motion was lost.



Yeas 27; Nays 32.

*Yeas:*

Reps.: Adams (H), Albright, Blake, Bowling, Campbell, Carter, Clark, Cosby, Crow, Dial, Edwards, Gilmer, Grouby, Hall, Hammett, Harper (O), Harvey, Laird, Manley, Owens, Rains, Smith (C), Trammell, Turner, Turnham, Whatley and Willis.

—27

*Nays:*

Reps.: Adams (C), Biddle, Brakefield, Cabaniss, Cates, Cheatwood, Gafford, Harper (T), Horn, Johnson (R. G.), Kennedy (C), Langford, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Parker, Payne, Pegues, Penry, Sasser, Seibels, Shavers, Shoemaker, Starkey, Stout, Waggoner and Wyatt.

—32

And the bill:

S. 226. To reopen the Employees' Retirement System of Alabama for prior service for certain members in certain counties who are precluded from obtaining credit for such service for reasons other than nonmembership; providing that as a prerequisite to such credit members must, on October 1, 1979, be an active and contributing member of the Employees' Retirement System of Alabama and in the active service of the employer for whom such prior service was rendered; provided that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act; and providing that this Act shall take effect October 1, 1979.

Was read a third time at length and passed.

Yeas 37; Nays 9.

*Yeas:*

Reps.: Adams (C), Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Cooley, Cosby, Crow, Daniels, Drinkard, Grouby, Harper (T), Harvey, Holley, Horn, Kennedy (C), Langford, McKee, Mitchell, Naramore, Olive, Owens, Pegues, Rains, Ray, Reed, Smith (J), Starkey, Stewart, Trammell, Turnham, Warren, Willis, Wyatt and Zoghby.

—37

*Nays:*

Reps.: Albright, Cabaniss, Hall, Kelley, Manley, Moore, Riddick, Roberts and Shavers.

—9

#### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

## RESOLUTION

The following resolution was introduced:

By Rep. Hilliard:

H. J. R. 336. REQUESTING THE GOVERNOR TO DONATE SURPLUS BOOKS OWNED BY THE STATE TO THE VARIOUS LAW SCHOOLS IN THIS STATE AND TO OTHER INSTITUTIONS OF HIGHER LEARNING.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that the Governor, upon written approval of the Chief Justice of the Alabama Supreme Court, donate any surplus books owned by the state to various law schools located in this state to which qualified members of the public may attend upon acceptance by any such school, or to any other publicly-owned institute of higher learning.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor Fob James with a copy also provided for the Chief Justice of the Alabama Supreme Court.

On motion of Rep. Hilliard, the rules were suspended and the resolution, H. J. R. 336, was adopted.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 174. To authorize the director of the department of public safety to restrict driving in the extreme left side in any portion of any interstate highway, or of any highway of sufficient width, except for overtaking and passing; and to provide notice to the state highway director.

Also:

H. 722. To amend Section 7 of Act No. 12, S. 56, Second Special Session 1978 (Acts 1978, p. 1616), the Educational Appropriation Act for the fiscal year ending September 30, 1979, so as to further provide for the allocation to the nursing programs as the George C. Wallace Community College—Technical Branch—Dothan.

MCDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 267. To amend Title 5, Section 185, Alabama Code, relating to directors of banks or trust companies doing a banking business organized under Alabama law; to change the residence requirements by providing that at least fifty-one percent of the directors of every such bank or trust company shall be residents of the State of Alabama.

by a majority of the whole number elected to the Senate, said vote being Yeas 24, Nays 1.

And said Bill, H. B. 267, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 378. To amend the Code of Alabama 1975, § 9-11-53, subsection (a) so as to increase the cost of resident fishing licenses, and restricting the hook and line license to the county in which the licensee resides.

And said Bill, H. B. 378, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 455. To amend Section 9-11-44, Code of Alabama 1975, relating to annual residence hunting licenses, so as to increase the fee for such licenses, so as to increase the fee for such licenses.

by a majority of the whole number elected to the Senate, said vote being Yeas 17, Nays 0.

And said Bill, H. B. 455, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

And the bill:

S. 497. To make a conditional appropriation for capital improvements at the Alabama Youth Services Roebuck Campus, Roebuck, Birmingham, Alabama, for the fiscal year ending September 30, 1979.

Was taken up.

AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, S. 497:

Amend S. B. 497 on page 1, line 35, by adding the following new Section and renumbering all subsequent sections accordingly:

Section 2. This appropriation shall not be authorized until funding is provided for the Education Appropriation Bill (H. 386) and appropriations for Marion Institute (H. 388), Tuskegee (H. 389), Talladega (H. 390), Walker

Junior College (H. 391), and Lyman Ward (H. 392); and funding is also provided for H. 580, the seven percent (7%) cost-of-living pay raise authorized by the 1979 Regular Session of the Alabama Legislature.

## MOTION TO TABLE LOST

The motion offered by Rep. Payne to table the amendment offered by Rep. Holley, was lost.

Yeas 17; Nays 39.

*Yeas:*

Reps.: Adams (C), Albright, Amari, Barton, Bennett, Buskey, Cooley, Hall, Kennedy (C), Minus, Mitchell, Payne, Rains, Seibels, Starkey, Stewart and Ward.

—17

*Nays:*

Mr. Speaker, Biddle, Blake, Brakefield, Cates, Cheatwood, Clark, Coburn, Crow, Daniels, Dixon, Drinkard, Ford, Gafford, Grimsley, Harper (T), Harvey, Holley, Holmes, Howard, Johnson (Roy), Laird, Langford, Manley, Moore, Naramore, Parker, Pegues, Penry, Reed, Stout, Trammell, Turner, Turnham, Waggoner, Williams, Willis, Wyatt and Zoghy.

—39

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 1063. Relating to Talladega County; to promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine wholesalers and wine retailers by the Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize the levy of county and municipal license fees thereon; to impose an exclusive tax on or measured by the sale of table wine in Talladega County and to provide for the collection, administration and distribution thereof; to prescribe violations and offenses, and to provide for the imposition of fines and the suspension or revocation of licenses.

by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 0.

And said Bill, H. B. 1063, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

S. 497 RESUMED  
AMENDMENT ADOPTED

The question was then on the amendment offered by Rep. Holley to the bill, S. 497, and the amendment was adopted.

Yeas 58; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Amari, Bennett, Biddle, Blake, Brakefield, Carter, Cates, Cheatwood, Clark, Cooley, Crow, Daniels, Dixon, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Hall, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Johnson (Roy), Laird, Langford, Manley, Minus, Moore, Naramore, Olive, Parker, Pegues, Penry, Rains, Reed, Riddick, Roberts, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Ward, Williams, Willis, Wyatt and Zoghby.

—58

*Nay:* Rep. Coburn.

—1

And the bill, S. 497, as thus amended, was read a third time at length and passed.

Yeas 67; Nays 5.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harvey, Hines, Holley, Holmes, Horn, Johnson (Roy), Kennedy (C), Laird, Langford, Lewis, McKee, Manley, Minus, Mitchell, Moore, Olive, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Seibels, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turnham, Venable, Warren, Williams, Willis, Wyatt and Zoghby.

—67

*Nays:* Reps.: Barton, Coburn, Naramore, Parker and Turner.

—5

And the bill:

S. 640. Relating to Jackson County; relating to the county commission; creating a department of public works for the county; providing for the construction, maintenance and repair of county roads and bridges; providing for the classification and responsibilities of certain employees and their compensation therefor; providing for duties of a county engineer; establishing temporary additional expense allowances for the chairman and members of the Jackson County Commission for a period during the transition from a "captive county" highway program to a county system; and providing that the provisions of this act shall be contingent on the passage of certain legislation.

Was read a third time at length and passed.

Yeas 48; Nays 0.

*Yeas:*

Mr. Speaker, Albright, Barton, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carter, Cheatwood, Coburn, Cooley, Crow, Dixon, Drinkard, Ford,

Gafford, Gilmer, Goodwin, Greer, Grouby, Hall, Harper (O), Harper (T), Harvey, Horn, Johnson (Roy), Kelley, Laird, Minus, Moore, Naramore, Olive, Parker, Penry, Ray, Reed, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Turnham, Warren, Williams, Willis and Zoghby.

—48

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Smith:

S. J. R. 174. EXTENDING THE PROVISIONS OF ACT NO. 79-54, H. J. R. 3, OF THE FIRST SPECIAL SESSION OF 1979, WHICH CREATED A JOINT INTERIM COMMITTEE OF THE LEGISLATURE TO STUDY A NEW STATE CONSTITUTION.

WHEREAS, The Governor of the State, the House of Representatives and the Senate of Alabama have indicated there is a need for revision of the Constitution of 1901, but the extent and approach and areas for revision are not in agreement; and

WHEREAS, the Legislature of Alabama desires to produce a proposal for the best constitutional document possible to the people for their ratification; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all of the provisions of Act No. 79-54, H. J. R. 3, of the First Special Session of 1979, establishing a Joint Interim Committee of the Legislature to study a new state Constitution, are hereby extended until the beginning of the 1980 Regular Session, except as provided herein and unless otherwise extended or dissolved.

BE IT FURTHER RESOLVED, That the members of the committee while on committee business as certified by the chairman shall be paid the same compensation and expenses that they receive while in legislative session.

BE IT FURTHER RESOLVED, That said committee be restructured to be composed of the Lieutenant Governor and the Governmental Affairs Committee in the Senate and the Speaker of the House of Representatives and the Constitution and Elections Committee in the House of Representatives.

BE IT FURTHER RESOLVED, That the Senate and House side of said committee shall be able to meet separately at the call of the presiding officer of the respective house.

BE IT FURTHER RESOLVED, That the Lt. Governor, or Speaker, or the respective Committee Chairman may divide the committees into joint sub-committees or sub-committees of each house and that such sub-committees,

whether joint or separate, may meet together or separately and shall report their findings and make their recommendations back to the full committee.

McDOWELL LEE,  
Secretary.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Smith (M) offered the motion to suspend the rules and concur in and adopt the resolution, S. J. R. 174, set out in the above and foregoing Message from the Senate.

RESOLUTION TEMPORARILY POSTPONED

On motion of Rep. Johnson (Roy), the resolution, S. J. R. 174, was temporarily postponed.

Yeas 48; Nays 30.

*Yeas:*

Reps.: Adams (C), Albright, Amari, Barton, Blake, Bowling, Brakefield, Buskey, Cabaniss, Cheatwood, Cooley, Cosby, Daniels, Dixon, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harvey, Holley, Holmes, Horn, Howard, Johnson (Roy), Kennedy (Y), Laird, Langford, Lewis, McKee, McMillan, Payne, Penry, Rains, Reed, Riddick, Sandusky, Smith (C), Stewart, Stout, Trammell, Tucker, Turner, Waggoner, Ward and Wyatt.

—48

*Nays:*

Mr. Speaker, Bedsole, Bennett, Biddle, Boles, Cates, Clark, Coburn, Drinkard, Edwards, Gafford, Gilmer, Hammett, Hines, Kennedy (C), Manley, Mitchell, Moore, Olive, Parker, Pegues, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Williams, Willis and Zoghby.

—30

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has reconsidered the Bill:

H. 24. To repeal Section 36-6-9, Code of Alabama 1975, which deals with the compiling of a journal of salaries or compensation for certain unclassified employees.

And said Bill, H. B. 24, was again read at length and passed, the Governor's objections to the contrary notwithstanding, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 30, Nays 1.

And said Bill, H. B. 24, together with the Governor's Message containing his objections, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 667. To provide for county law libraries in each county, and for the personnel, space, funding, operation, and maintenance thereof, making said law libraries part of a network with the other law libraries in the state for their mutual benefit; permitting present county law libraries to come under the provisions of this act if they elect to do so.

Also:

H. 225. To provide for a staggered system of registration for the annual issuance of motor vehicle licenses; to provide for five-year annually renewable license plates for private passenger automobiles and pick-up trucks; to provide for interim validation tabs indicative of periodic registration payment; to provide for numeric county prefixes; to provide for the design, manufacture and purchase of license plates and validation tabs; to provide for a penalty for the late registration of motor vehicles and the distribution of penalty fees; to repeal Section 32-6-50, Code of Alabama 1975, which provided for the five-year tags; to amend Section 40-12-265, Code of Alabama 1975, to provide a minimum fine of \$25.00 for improper tags and to authorize county judges of probate or the appropriate licensing authority established by local Act to process the replacement of mutilated and lost tags; to amend Section 40-2-12, Code of Alabama 1975, to allow the destruction of source documents after microfilming upon validation of the reproduction; to amend Section 40-12-271, Code of Alabama 1975, to increase the license issuance fee for probate judges and license commissioners; and to create a joint legislative committee to oversee the implementation of this Act.

Also:

H. 728. Relating to Madison County; to give the County Commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, persons, firms or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or sales of materials to churches, individuals, firms or corporations.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

## SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:



H. 205. To amend the Code of Alabama 1975, relative to the time and place of holding primary elections, canvassing, reporting and declaring results, and filing contests.

McDOWELL LEE,  
Secretary.

SENATE MESSAGE

On motion of Rep. Stout, the House concurred in and adopted the Senate amendment to the bill, H. 205, said Senate amendment being as follows:

Amend the substitute for H. 205 as follows:

On page 1, line 32, and page 3, line 12, by striking out, wherever they appear, the words "third fourth" and inserting in lieu thereof, in each place, the word third.

Yeas 54; Nays 1.

*Yeas:*

Mr. Speaker, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cheatwood, Cooley, Dixon, Drinkard, Edwards, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Hines, Horn, Johnson (R. G.), Kennedy (C), Kennedy (Y), Langford, Lewis, McKee, McMillan, Moore, Naramore, Olive, Owens, Pegues, Rains, Ray, Riddick, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Williams, Willis, Wyatt and Zoghby.

—54

*Nay:* Rep. Holley.

—1

And the bill, H. 205 as thus amended, was again read at length and passed.

Yeas 60; Nays 1.

*Yeas:*

Mr. Speaker, Adams (H), Albright, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cheatwood, Clark, Cooley, Dixon, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Hines, Horn, Johnson (R. G.), Kennedy (C), Kennedy (Y), Langford, Lewis, McKee, McMillan, Manley, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Sandusky, Sasser, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Warren, Williams, Willis, Wyatt and Zoghby.

—60

*Nay:* Rep. Holley.

—1

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Gafford to suspend the rules in order to take up out of order the bill, S. 77, was lost, lacking a four-fifths vote.

Yeas 36; Nays 24.

*Yeas:*

Reps.: Amari, Bennett, Biddle, Blake, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark, Cooley, Crow, Dial, Edwards, Gafford, Gilmer, Goodwin, Grouby, Harper (O), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Langford, McMillan, Minus, Moore, Naramore, Sandusky, Shoemaker, Trammell, Waggoner, Willis and Wyatt.

—36

*Nays:*

Reps.: Adams (C), Albright, Cosby, Daniels, Dixon, Hall, Laird, McKee, Manley, Mitchell, Olive, Pegues, Penry, Rains, Ray, Riddick, Sasser, Shavers, Smith (C), Starkey, Stewart, Stout, Ward and Whatley.

—24

### MOTION TO RECONSIDER TABLED

On motion of Rep. Gafford, the motion offered by Rep. Holmes to reconsider the vote by which the bill, S. 369 with pending amendments, was indefinitely postponed, was tabled.

Yeas 54; Nays 28.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Blake, Boles, Carothers, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Hines, Holley, Jackson, Johnson (R. G.), Laird, Langford, Letson, Manley, Minus, Moore, Olive, Pegues, Penry, Ray, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stewart, Turnham, Venable, Ward, Warren, Williams and Willis.

—54

*Nays:*

Reps.: Albright, Amari, Bedsole, Brakefield, Buskey, Cabaniss, Campbell, Greer, Hall, Holmes, Horn, Johnson (Roy), Kennedy (C), Kennedy (Y), Lewis, McKee, McMillan, Mitchell, Naramore, Rains, Starkey, Stout, Trammell, Tucker, Turner, Waggoner, Wyatt and Zoghby.

—28

### MESSAGE FROM THE HOUSE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 327. To amend certain provisions of the law which regulates the operation of public warehouses in Alabama by amending Title 8, Sections 8-15-1, 8-15-9, 8-15-10 and 8-15-18 of the Code of Alabama 1975; amend § 8-15-1 which defines a "public warehouse"; amend § 8-15-9 thereof relating to the issuance of a permit to operate a public warehouse and § 8-15-10 to

prescribe an additional penalty for operating a public warehouse without a permit; also, amend § 8-15-18 thereof relating to the authority of the State Board of Agriculture and Industries to require insurance coverage for commodities stored in public warehouses by authorizing said Board to require such warehouses to carry insurance on their contents against destruction and damage by fire for protection of agricultural commodities and other articles of value stored in public warehouses.

McDOWELL LEE,  
Secretary.

### SENATE MESSAGE

On motion of Rep. Whatley, the House concurred in and adopted the Senate amendment to the bill, H. 327, said Senate amendment being as follows:

Amend House Bill 327 on page 1, line 16 by striking out the period and inserting the following:

“, and to change the composition of the state board of agriculture and industries.”

Further amend the bill on page 1, line 32 by striking out the period and inserting the following:

“, and to amend Title 2, Sections 2-3-1 and 2-3-2 so as to further provide for the composition of the state board of agriculture and industries.”

Further amend the bill on page 3 immediately following line 23 by inserting the following new sections:

Section 5. To amend Section 2-3-1 of the Code of Alabama 1975 to read as follows:

“§ 2-3-1. There shall be a state board of agriculture and industries which shall consist of the governor as ex officio chairman, the commissioner of agriculture and industries, the director of the Alabama Extension Service of Auburn University, four outstanding farmers and three four outstanding leaders of industry, actively involved in the public warehousing business.

Section 6. To amend Section 2-3-2 of the Code of Alabama 1975 to read as follows:

“§ 2-3-2. The four farmer members and the three four industry members shall be appointed by the governor and confirmed by the Senate; provided that no two of the farmer members shall reside in the same congressional district of the state; provided further, that no two of the industry members shall reside in the same congressional district of the state. The members of said state board of agriculture and industries appointed by the governor shall hold office for and only during the tenure of office of the governor making the appointment and until their successors are appointed and qualified.”

Further amend the bill by renumbering the remaining sections in proper numerical sequence.

Yeas 48; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Blake, Campbell, Carter, Cheatwood, Cosby, Crow, Dial, Dixon, Gafford, Gilmer, Greer, Grimsley, Grouby, Hammett, Harper (O), Holley, Johnson (R. G.), Laird, Langford, Letson, McKee, Manley, Moore, Naramore, Olive, Owens, Parker, Penry, Rains, Ray, Sasser, Seibels, Shoemaker, Starkey, Stewart, Stout, Trammell, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—48

### PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 327. To amend certain provisions of the law which regulates the operation of public warehouses in Alabama by amending Title 8, Sections 8-15-1, 8-15-9, 8-15-10 and 8-15-18 of the Code of Alabama 1975; amend § 8-15-1 which defines a "public warehouse"; amend § 8-15-9 thereof relating to the issuance of a permit to operate a public warehouse and § 8-15-10 to prescribe an additional penalty for operating a public warehouse without a permit; also, amend § 8-15-18 thereof relating to the authority of the State Board of Agriculture and Industries to require insurance coverage for commodities stored in public warehouses by authorizing said Board to require such warehouses to carry insurance on their contents against destruction and damage by fire for protection of agricultural commodities and other articles of value stored in public warehouses and to amend Title 2, Sections 2-3-1 and 2-3-2 so as to further provide for the composition of the state board of agriculture and industries.

As thus amended, was again read at length and passed.

Yeas 55; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Blake, Campbell, Carter, Cheatwood, Clark, Cosby, Crow, Daniels, Dial, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Laird, Langford, McKee, McMillan, Manley, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Sasser, Seibels, Shoemaker, Starkey, Stewart, Stout, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—55

### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 823. This bill creates the Alabama Health Care Responsibility Act; providing legislative intent, providing definitions; providing that ultimate financial responsibility for the cost of treatment of a patient certified to be indigent, who is a resident of one county but receives services from a hospital in another county, shall be placed with the county of which the patient is a resident; providing limitations on such responsibility; providing that the Department of Pensions and Security shall adopt rules for certifying patients as indigent; requiring hospitals to admit certified indigents under certain conditions; providing that disputes between hospitals and counties shall be resolved by action in the circuit court of the county in which the regional referral hospital is located and providing an effective date.

Also:

H. 57. To amend Section 1 of Act No. 600, H. 1134 of the 1977 Regular Session (Acts 1977, Vol, II, p. 805), which act provides a pay increase for any law enforcement officer who has full peace officer authority, so as to extend eligibility to Security and Safety Officers of the Mental Health Department.

Also:

H. 128. To provide further for the disposition of surplus state property; to provide that such property shall be screened by the Forestry Commission for use by volunteer fire departments; to provide for the transfer or loan of such property for fire protection purposes; and to provide penalties for violations.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House.

H. 556. To amend Title 11, Section 11-58-1, Code of Alabama 1975.

McDOWELL LEE,  
Secretary.

#### SENATE MESSAGE

On motion of Rep. Waggoner, the House concurred in and adopted the Senate amendment to the bill, H. 556, said Senate amendment being as follows:

Amend House Bill 556 as amended by adding a new Section 3 and renumbering the remaining section:

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Yeas 54; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bennett, Biddle, Blake, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett,

Harper (O), Horn, Johnson (R. G.), Johnson (Roy), Laird, Langford, McKee, Manley, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Rains, Ray, Sasser, Seibels, Shoemaker, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—54

*Nay:* Rep. Holley.

—1

And the bill, H. 556 as thus amended, was again read at length and passed.

Yeas 57; Nays 2.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Bennett, Biddle, Blake, Cabaniss, Campbell, Carter, Cheatwood, Clark, Cosby, Daniels, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harvey, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, McKee, Manley, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Rains, Ray, Sasser, Seibels, Shoemaker, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—57

*Nays:* Reps.: Holley and Patton.

—2

#### MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Johnson (Roy) to suspend the rules in order to take up out of order the bill, S. 87, was lost.

Yeas 22; Nays 41.

*Yeas:*

Reps.: Blake, Boles, Carothers, Coburn, Goodwin, Greer, Holley, Johnson (R. G.), Johnson (Roy), Kennedy (Y), Laird, Letson, Mitchell, Naramore, Patton, Rains, Smith (M), Trammell, Turner, Warren, Williams and Wyatt.

—22

*Nays:*

Reps.: Adams (C), Barton, Biddle, Cabaniss, Campbell, Clark, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Gregg, Hammett, Harvey, Horn, Howard, Jackson, Kelley, Langford, McKee, McMillan, Manley, Moore, Olive, Parker, Pegues, Penry, Ray, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Turnham, Ward and Zoghby.

—41

And the bill:

S. 244. To amend Sections 11-89-4, 11-89-6 and 11-89-7 of the Code of Alabama 1975 relating to water, sewer, solid waste disposal and fire protection districts so as to stagger the terms of the members of water authority boards; to provide that fire protection districts may furnish and provide fire protection service in unincorporated and incorporated areas within the total

service area; to eliminate the requirement of stating a name for county or city fire, water and sewer protection districts in their respective certificates of incorporation; and to allow the county commission to set the compensation to be paid board members.

Was read a third time at length and passed.

Yeas 67; Nays 2.

*Yeas:*

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark, Cosby, Crow, Daniels, Dixon, Edwards, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harvey, Hines, Jackson, Johnson (R. G.), Kelley, Kennedy (Y), Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Turner, Turnham, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—67

*Nays:* Reps.: Holley and Moore.

—2

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 486. To establish an emergency forest fire fund which will automatically receive an appropriation from the general fund of \$180,000.00 per annum; to provide that this fund shall not exceed a total accumulated amount of \$500,000.00; to provide that the monies may be expended from time to time to meet emergency forest fire needs at the discretion of the state forester and governor; and to provide for automatic replenishment of monies expended from said fund by an automatic appropriation from the general fund of up to \$180,000.00 per year; and giving retroactive effect to October 1, 1978.

Also:

H. 138. To amend Section 22-21-20, Code of Alabama, 1975, which relates to the Licensing of Hospitals, Nursing Homes and other Health Care Institutions so as to include other types of services that are now being provided the citizens. This amendment will expand the definitions to include new institutional care and services.

Also:

H. 708. To alter the boundary line between Shelby and Jefferson Counties.

McDOWELL LEE,  
Secretary.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 241. To further provide for taxation relating to the sale of alcoholic beverages; to levy an additional state sales tax on the sale of alcoholic beverages; to provide that the revenues produced from the additional tax shall be collected by the Department of Revenue in the same manner as are other such taxes; to allow the Department of Revenue to retain a certain sum for the cost of collection and redistribution of the net proceeds; to prescribe that all net proceeds generated by this act shall be distributed back to the municipalities from which the taxes are collected; to provide that the municipalities shall redistribute the additional tax proceeds on the same pro rata basis as are other such taxes; and to prohibit any municipality which receives proceeds pursuant to the provisions of this act from levying or collecting and additional taxes on the sale of alcoholic beverages.

by a majority of the whole number elected to the Senate, said vote being Yeas 19, Nays 2.

And said Bill, H. B. 241, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

And the bill:

S. 395. To amend Section 26-10-3, Code of Alabama 1975, relating to adoptions, so as to further regulate consent for adoption of a child and notice of adoption proceedings.

Was read a third time at length and passed.

Yeas 77; Nays 0.

*Yeas:*

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harrison, Harvey, Hines, Holley, Johnson (R. G.), Kelley, Kennedy (Y), Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Patton, Pegues, Penry, Rains, Ray, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—77

And the bill:

S. 394. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended: and to prescribe penalties.

Was read a third time at length and passed.



Yeas 79; Nays 0.

*Yeas:*

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harrison, Harvy, Hines, Holley, Johnson (R. G.), Kennedy (Y), Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—79

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Carter the rules were suspended in order to take up out of order the bill, S. 358.

Yeas 55; Nays 6.

*Yeas:*

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Carothers, Cheatwood, Coburn, Cosby, Crow, Edwards, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harvey, Hines, Johnson (R. G.), McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Waggoner, Warren, Whatley, Williams, Willis and Wyatt.

—55

*Nays:*

Reps.: Adams (C), Daniels, Gilmer, Mitchell, Parker and Turnham.

—6

And the bill:

S. 358. To make a supplemental appropriation to the state board of social work examiners from the state board of social work examiners' fund which is on deposit in the state treasury.

Was read a third time at length and passed.

Yeas 77; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Kelley, Kennedy (Y), Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues,

Penry, Rains, Ray, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—77

### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Cates, the rules were suspended in order to take up out of order the bill, S. 476.

Yeas 52; Nays 8.

*Yeas:*

Reps.: Albright, Biddle, Blake, Bowling Cabaniss, Carothers, Carter, Cheatwood, Clark, Coburn, Cooley, Dial, Edwards, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Kennedy (Y), Langford, McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Turnham, Venable, Williams, Willis and Wyatt.

—52

*Nays:*

Reps.: Amari, Cosby, Gafford, Howard, Lewis, Mitchell, Tucker and Waggoner.

—8

And the bill:

S. 476. (With Amendment): Relating to soil surveys; to provide for accelerating the soil survey in Alabama so that soil mapping, classification, and interpretation may be completed in 10 years, and to make an appropriation for this purpose.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend S. 476 as follows:

On page 1, in line 17, after the word "be" add the words:

conditional upon the condition of delete the word "from" and the period after the word "fund." add the words: and the approval of the Governor.

On page 1, in line 26, delete the word "an" and insert in lieu thereof the words:

a conditional

In line 26, delete the period and add the words: from the state treasury.

On page 3, after line 38, add the following:

The appropriation made herein is conditional upon the condition of the state treasury and the approval of the Governor.

And the amendment was adopted.

Yeas 66; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark, Coburn, Cosby, Crow, Dial, Edwards, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Johnson (R. G.), Kennedy (Y), Laird, Langford, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Ward, Williams, Willis and Wyatt.

—66

And the bill, S. 476, as thus amended, was read a third time at length and passed.

Yeas 64; Nays 1.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark, Coburn, Cosby, Crow, Dial, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Kennedy (Y), Laird, Langford, McKee, McMillan, Minus, Mitchell, Moore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turnham, Williams, Willis and Wyatt.

—64

*Nay:* Rep. Payne.

—1

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Holley, the rules were suspended in order to take up out of order the bill, S. 2.

Yeas 39; Nays 6.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Blake, Cabaniss, Cheatwood, Cooley, Dial, Edwards, Ford, Gilmer, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Kennedy (Y), Langford, McKee, McMillan, Minus, Mitchell, Moore, Nevett, Owens, Penry, Ray, Shoemaker, Starkey, Stewart, Trammell, Turnham, Williams, Willis and Wyatt.

—39

*Nays:*

Reps.: Adams (C), Cosby, Naramore, Patton, Pegues and Rains.

—6

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 418. To amend Section 12-17-144, Code of Alabama 1975, which relates to prior service credit for benefits of supernumerary circuit clerks and registers, so as to allow circuit clerks or registers prior service credit for time spent as probate judge.

And said Bill, H. B. 418, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,  
Secretary.

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 806. To make a conditional appropriation of state funds to the Alabama Department of Forensic Sciences for the purpose of constructing and developing a facility to house the offices, laboratories and morgue of the Southwest Regional Division.

McDOWELL LEE,  
Secretary.

## S. 2 RESUMED

And the bill:

S. 2. To amend Section 40-12-252, Code of Alabama 1975, to allow extended registration and licensing period for fleet owners of rental utility trailers.

Was read a third time at length and passed.

Yeas 47; Nays 6.

*Yeas:*

Reps.: Adams (H), Barton, Bedsole, Bennett, Blake, Cabaniss, Carter, Cheatwood, Dial, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Johnson (R. G.), Kennedy (Y), Laird, Langford, McKee, McMillan, Minus, Mitchell, Moore, Nevett, Olive, Payne, Pegues, Penry, Ray, Reed, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Turnham, Williams, Willis and Wyatt.

—47

*Nays:*

Reps.: Adams (C), Brakefield, Cooley, Naramore, Patton and Rains.

—6

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Whatley, the rules were suspended in order to take up out of order the bills, S. 485 and S. 486.

Yeas 55; Nays 8.

*Yeas:*

Reps.: Adams (H), Albright, Barton, Bedsole, Blake, Bowling, Cabaniss, Carter, Cheatwood, Cooley, Cosby, Dial, Dixon, Edwards, Ford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Jackson, Johnson (R. G.), Kennedy (Y), Laird, Langford, McKee, McMillan, Minus, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Seibels, Shoemaker, Smith (J), Stewart, Stout, Trammell, Turner, Turnham, Ward, Whatley, Williams and Willis.

—55

*Nays:*

Reps.: Adams (C), Brakefield, Horn, Mitchell, Naramore, Payne, Riddick and Starkey.

—8

And the bill:

S. 485. To impose additional requirements upon livestock markets as regulated by Sections 2-15-60 through 2-15-71 of the Code of Alabama 1975 by requiring such markets to report to the Commissioner of Agriculture and Industries any purchase of livestock by a livestock dealer where such a dealer has not complied with the provisions of the "Alabama Livestock Dealers' Financial Responsibility Act" (Code of Alabama of 1975, Sections 2-15-130 through 2-15-138); to define words and terms used in this Act; to authorize the Commissioner of Agriculture and Industries to inspect records of sales of livestock markets; to provide for the adoption of rules and regulations to effectuate the intent and purpose of this Act; and to prescribe penalties for violations of this Act.

Was read a third time at length and passed.

Yeas 68; Nays 0.

*Yeas:*

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Cabaniss, Carothers, Carter, Cheatwood, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Johnson (R. G.), Laird, Langford, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—68

And the bill:

S. 486. To amend Section 2-15-133, Code of Alabama 1975, by adding a provision that imposes liability on livestock dealers as defined in Section

2-15-131 (5), Code of Alabama 1975, for the payment of the purchase price of all livestock purchased by such dealers without regard to whether a livestock dealer purchases livestock on his own account, or as agent for another, and without regard to the liability of another party for whom such a dealer makes such purchase.

Was read a third time at length and passed.

Yeas 63; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Blake, Cabaniss, Carothers, Carter, Cheatwood, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Holley, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turnham, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—63

#### MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Daniels, the rules were suspended in order to take up out of order the bill, S. 577.

Yeas 53; Nays 2.

*Yeas:*

Mr. Speaker, Barton, Bedsole, Blake, Brakefield, Cabaniss, Carter, Cheatwood, Cooley, Cosby, Crow, Dial, Edwards, Ford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (Roy), Kennedy (Y), Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turnham, Ward, Williams, Willis, Wyatt and Zoghby.

—53

*Nays:* Reps.: Adams (C) and Stout.

—2

And the bill:

S. 577. To authorize any county board of education and any city board of education to borrow money in anticipation of the issuance of warrants authorized to be issued under either Article 4 or Article 5 of Chapter 13 of Title 16 of the CODE OF ALABAMA 1975 for use for any of the purposes described in said Articles and in evidence thereof to issue warrant anticipation notes maturing not later than eighteen months from the date of issue and bearing a rate of interest not exceeding eight percent per annum, to provide for payment of such warrant anticipation notes from the principal proceeds from the sale of the warrants with respect to which such notes are issued and from the tax proceeds which the issuing board may pledge to the payment of such warrants, to provide that such warrant anticipation notes may be refunded, extended or renewed by other warrant anticipation notes maturing not more than eighteen months from the date of maturity of the warrant anticipation notes then outstanding, subject to the approval of the state

superintendent of education, to provide that such warrant anticipation notes may be sold at public or private sale, subject to the approval of the state superintendent of education, to provide that the board of education proposing to issue said notes shall have received the approval of the state superintendent of education, to provide that all warrant anticipation notes, all interest paid thereon, and all income derived therefrom shall be exempt from all state, county, municipal and other taxation under the laws of Alabama, and to provide that such warrant anticipation notes are proper legal investments.

Was read a third time at length and passed.

Yeas 64; Nays 0.

*Yeas:*

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Cooley, Cosby, Crow, Dial, Dixon, Edwards, Ford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Kennedy (Y), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turnham, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—64

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 497. To make a conditional appropriation for capital improvements at the Alabama Youth Services Roebuck Campus, Roebuck, Birmingham, Alabama, for the fiscal year ending September 30, 1979.

McDOWELL LEE,  
Secretary.

And the bill:

S. 77. To amend Section 29-4-42 of the Code of Alabama 1975, relating to legislative employees, so as to increase the number of supervisory and secretarial employees that may be employed by the secretary of the senate and the clerk of the house.

Was read a third time at length and passed.

Yeas 51; Nays 4.

*Yeas:*

Mr. Speaker, Bedsole, Bennett, Brakefield, Buskey, Campbell, Carothers, Carter, Cheatwood, Clark, Coburn, Cooley, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Goodwin, Grouby, Hall, Hammett, Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, McMillan, Moore, Naramore, Nevett, Owens, Parker, Patton, Penry, Ray, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Stewart, Trammell, Waggoner, Willis, Wyatt and Zoghby.

—51

*Nays:* Reps.: Albright, Cosby, Riddick and Stout.

—4

## MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Sandusky to suspend the rules in order to take up out of order the bill, S. 248, was lost.

Yeas 26; Nays 30.

*Yeas:*

Reps.: Blake, Buskey, Cabaniss, Carothers, Carter, Cooley, Dial, Edwards, Greer, Harvey, Holmes, Johnson (R. G.), Kennedy (Y), Minus, Nevett, Olive, Parker, Patton, Pegues, Reed, Sasser, Shoemaker, Smith (J), Stewart, Waggoner and Zoghby.

—26

*Nays:*

Reps.: Adams (C), Albright, Amari, Brakefield, Campbell, Cheatwood, Cosby, Ford, Gilmer, Goodwin, Hall, Holley, Howard, Johnson (Roy), Laird, Langford, Lewis, McKee, McMillan, Naramore, Penry, Rains, Riddick, Seibels, Shavers, Starkey, Stout, Turner, Turnham and Wyatt.

—30

## MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 327. COMMENDING REGINALD T. HAMNER, EXECUTIVE DIRECTOR, ALABAMA STATE BAR, FOR HIS SERVICE AS PRESIDENT OF THE NATIONAL ASSOCIATION OF BAR EXECUTIVES.

Also:

H. J. R. 250. URGING THE LEGISLATURE TO ARRIVE AT A WAY TO FUND THE HIGHWAY PROGRAM AND REACTIVATING THE COMMITTEE TO STUDY THE TAX STRUCTURE OF THE STATE OF ALABAMA AND THE DISTRIBUTION OF TAX REVENUES CREATED BY ACT NO. 1178, H. J. R. 430 OF THE 1975 REGULAR SESSION AND MAKING SAID INTERIM STUDY COMMITTEE A CONTINUING COMMITTEE.

McDOWELL LEE,  
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES  
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 57. To amend Section 1 of Act No. 600, H. 1134 of the 1977 Regular Session (Acts 1977, Vol. II, p. 805), which act provides a pay increase for any law enforcement officer who has full peace officer authority, so as to extend eligibility to Security and Safety Officers of the Mental Health Department.



Also:

H. 128. To provide further for the disposition of surplus state property; to provide that such property shall be screened by the Forestry Commission for use by volunteer fire departments; to provide for the transfer or loan of such property for fire protection purposes; and to provide penalties for violations.

Also:

H. 138. To amend Section 22-21-20, Code of Alabama, 1975, which relates to the Licensing of Hospitals, Nursing Homes and other Health Care Institutions so as to include other types of services that are now being provided the citizens. This amendment will expand the definitions to include new institutional care and services.

Also:

H. 205. To amend the Code of Alabama 1975, relative to the time and place of holding primary elections, canvassing, reporting and declaring results, and filing contests.

Also:

H. 486. To establish an emergency forest fire fund which will automatically receive an appropriation from the general fund of \$180,000.00 per annum; to provide that this fund shall not exceed a total accumulated amount of \$500,000.00; to provide that the monies may be expended from time to time to meet emergency forest fire needs at the discretion of the state forester and governor; and to provide for automatic replenishment of monies expended from said fund by an automatic appropriation from the general fund of up to \$180,000.00 per year; and giving retroactive effect to October 1, 1978.

Also:

H. 556. To amend Title 11, Section 11-58-1, Code of Alabama 1975.

Also:

H. 708. To alter the boundary line between Shelby and Jefferson Counties.

Also:

H. 418. To amend Section 12-17-144, Code of Alabama 1975, which relates to prior service credit for benefits of supernumerary circuit clerks and registers, so as to allow circuit clerks or registers prior service credit for time spent as probate judge.

Also:

H. 823. This bill creates the Alabama Health Care Responsibility Act; providing legislative intent, providing definitions; providing that ultimate financial responsibility for the cost of treatment of a patient certified to be indigent, who is a resident of one county but receives services from a hospital in another county, shall be placed with the county of which the patient is a resident; providing limitations on such responsibility; providing that the Department of Pensions and Security shall adopt rules for certifying patients as indigent; requiring hospitals to admit certified indigents under certain conditions; providing that disputes between hospitals and counties shall be resolved by action in the circuit court of the county in which the regional referral hospital is located and providing an effective date.

Also:

H. 327. To amend certain provisions of the law which regulates the operation of public warehouses in Alabama by amending Title 8, Sections 8-15-1, 8-15-10 and 8-15-18 of the Code of Alabama 1975; amend § 8-15-1 which defines a "public warehouse"; amend § 8-15-9 thereof relating to the issuance of a permit to operate a public warehouse and § 8-15-10 to prescribe an additional penalty for operating a public warehouse without a permit; also, amend § 8-15-18 thereof relating to the authority of the State Board of Agriculture and Industries to require insurance coverage for commodities stored in public warehouses by authorizing said Board to require such warehouses to carry insurance on their contents against destruction and damage by fire for protection of agricultural commodities and other articles of value stored in public warehouses and to amend Title 2, Sections 2-3-1 and 2-3-2 so as to further provide for the composition of the state board of agriculture and industries.

Also:

H. 907. To provide two investigators for the District Attorney of the Twenty-third Judicial Circuit and to prescribe compensation and provide authority and power.

Also:

H. 806. To make a conditional appropriation of state funds to the Alabama Department of Forensic Sciences for the purpose of constructing and developing a facility to house the offices, laboratories and morgue of the Southwest Regional Division.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 250. URGING THE LEGISLATURE TO ARRIVE AT A WAY TO FUND THE HIGHWAY PROGRAM AND REACTIVATING THE COMMITTEE TO STUDY THE TAX STRUCTURE OF THE STATE OF ALABAMA AND THE DISTRIBUTION OF TAX REVENUES CREATED BY ACT NO. 1178, H. J. R. 430 OF THE 1975 REGULAR SESSION AND MAKING SAID INTERIM STUDY COMMITTEE A CONTINUING COMMITTEE.

Also:

H. J. R. 327. COMMENDING REGINALD T. HAMNER, EXECUTIVE DIRECTOR, ALABAMA STATE BAR, FOR HIS SERVICE AS PRESIDENT OF THE NATIONAL ASSOCIATION OF BAR EXECUTIVES.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 455. To amend Section 9-11-44, Code of Alabama 1975, relating to annual residence hunting licenses, so as to increase the fee for such licenses.

And finds same correctly enrolled with Executive Amendment.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 267. To amend Title 5, Section 185, Alabama Code, relating to directors of banks or trust companies doing a banking business organized under Alabama law; to change the residence requirements by providing that at least fifty-one percent of the directors of every such bank or trust company shall be residents of the State of Alabama.

And finds same correctly enrolled with Executive Amendment.

JACK BIDDLE, III,  
Chairman.

## SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 157. To amend Sections 34-27-4, 34-27-31 and 34-27-35 of the Code of Alabama 1975, as amended, Regular Session, 1978, Acts No. 654, pertaining to qualifications for real estate broker and real estate salesmen licensees, so as to establish a "Real Estate Recovery Fund"; to provide procedural rights for aggrieved parties in certain real estate transactions and to provide for the termination of the license of any person against whom a judgment creates a claim against such fund; and to further provide for certain fees and the distribution thereof.

And finds same correctly enrolled with Executive Amendment.

JACK BIDDLE, III,  
Chairman.

## SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 501. To require any person, firm, or corporation which operates, constructs, or maintains a nuclear powered electric generating facility licensed by the U. S. Nuclear Regulatory Commission to conduct inquiries into the criminal records of any employee who performs duties at such facility; to require that fingerprint cards of such employee be submitted by his employer to the Alabama Department of Public Safety requiring a search to be conducted of state and federal criminal history files with the results thereof being furnished to submitting employer; to provide exemptions of certain employees from the provisions of this Act; and to relieve and hold harmless the Department of Public Safety from any liability arising from disclosure of criminal history records provided under the provisions of this Act.

And finds same correctly enrolled with Executive Amendment.

JACK BIDDLE, III,  
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 275. To raise revenue by levying a privilege or excise tax on every person licensed under the provisions of Title 28, Article 4, Code of Alabama 1975, who sells, stores, or receives for the purpose of distribution, malt or brewed beverages; to provide for the collection and distribution of the proceeds of said tax; to prescribe penalties for failure to collect or pay the tax or for possession of unidentified malt or brewed beverages; to provide for identification of such beverages; and to supersede and repeal Title 28, Article 5, Chapter 3, Code of Alabama 1975, and repeals other conflicting laws.

And finds same correctly enrolled with Executive Amendment.

JACK BIDDLE, III,  
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE  
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 1063. Relating to Talladega County; to promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine wholesalers and wine retailers by the Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers and retailers; to authorize the levy of county and municipal license fees thereon; to impose an exclusive tax on or measured by the sale of table wine in Talladega County and to provide for the

collection, administration and distribution thereof; to prescribe violations and offenses, and to provide for the imposition of fines and the suspension or revocation of licenses.

And finds same correctly enrolled with Executive Amendment.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 860. To provide additional revenue in Barbour County; levying in that part of Barbour County outside the corporate limits of the city of Eufaula special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Chapter 23 of Title 40 of the Code of Alabama 1975; providing for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax, and for the enforcement of the act by the state department of revenue; and prescribing penalties and fixing punishment for violations of the act; and to provide a referendum election.

And finds same correctly enrolled with Executive Amendment.

JACK BIDDLE, III,  
Chairman.

#### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

#### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 174. To authorize the director of the department of public safety to restrict driving in the extreme left side in any portion of any interstate highway, or of any highway of sufficient width, except for overtaking and passing; and to provide notice to the state highway director.

H. 378. To amend the Code of Alabama 1975, § 9-11-53, subsection (a) so as to increase the cost of resident fishing licenses, and restricting the hook and line license to the county in which the licensee resides.

H. 722. To amend Section 7 of Act No. 12, S. 56, Second Special Session 1978 (Acts 1978, p. 1616), the Educational Appropriation Act for the fiscal year ending September 30, 1979, so as to further provide for the allocation to the nursing programs at the George C. Wallace Community College—Technical Branch—Dothan.

And finds same correctly enrolled.

JACK BIDDLE, III,  
Chairman.

### SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 1009. Relating to Lauderdale County; providing further for the salary of the members of the Board of Equalization, payable pursuant to Section 40-3-8 of the Code of Alabama 1975, with the municipality, county and state sharing the costs therefor; and providing for retroactive effect to May 15, 1979.

And finds same correctly enrolled with Executive Amendment.

JACK BIDDLE, III,  
Chairman.

### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

### REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 241. To further provide for the taxation relating to the sale of alcoholic beverages; to levy an additional state sales tax on the sale of alcoholic beverages; to provide that the revenues produced from the additional tax shall be collected by the Department of Revenue in the same

manner as are other such taxes; to allow the Department of Revenue to retain a certain sum for the cost of collection and redistribution of the net proceeds; to prescribe that all net proceeds generated by this act shall be distributed back to the municipalities from which the taxes are collected; to provide that the municipalities shall redistribute the additional tax proceeds on the same pro rata basis as are other such taxes; and to prohibit any municipality which receives proceeds pursuant to the provisions of this act from levying or collecting any additional taxes on the sale of alcoholic beverages.

And finds same correctly enrolled with Executive Amendment.

JACK BIDDLE, III,  
Chairman.

### SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 142. To propose a constitutional amendment amending further subsection (a) of Section 217, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 325 and Constitutional Amendment No. 373, relating to ad valorem property taxes levied by the state and all counties, municipalities and other local taxing authorities.

Also:

S. 389. To provide a conditional appropriation from the state treasury to the use of the Board of Trustees of the University of Alabama in Birmingham for capital outlay purposes.

Also:

S. 590. To amend Section 25-4-70, Section 25-4-78 and Section 25-4-134, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to meet federal law requirements; to clarify the denial of benefit provisions for certain educational employees and to provide for the reduction of benefits by the amount of pensions or retirement pay; to correct a reorganization of procedures for the collection of delinquent taxes and reports made in the 1975 Code.

Also:

S. 136. To authorize designated agents to issue temporary license tags and temporary registration certificates for motor vehicles to be permanently licensed outside the state of Alabama; to authorize manufacturers and dealers of mobile homes, trailer coaches, travel trailers or house trailers to issue temporary license tags and registration certificates for such vehicles which are to be licensed outside Alabama; to authorize probate judges or other county officials authorized and required by law to issue motor vehicle license



tags to issue temporary license tags and temporary registration certificates when a permanent license tag cannot be immediately issued or when other good cause exists; to provide for the period of validity of such temporary license tags and registration certificates; to provide for the fees to be collected, records to be maintained, and forms to be utilized in connection with issuance of temporary license tags and registration certificates; to empower the department of revenue with the authority to adopt rules and regulations, prescribe forms and otherwise implement the provisions of the Act; and to impose criminal penalties for violation of the provisions of the Act.

Also:

S. 226. To reopen the Employees' Retirement System of Alabama for prior service for certain members in certain counties who are precluded from obtaining credit for such service for reasons other than nonmembership; providing that as a prerequisite to such credit members must, on October 1, 1979, be an active and contributing member of the Employees' Retirement System of Alabama and in the active service of the employer for whom such prior service was rendered; provided that employers participating in the retirement system shall pay such employer costs as are necessary with respect to their employees subject to this Act; and providing that this Act shall take effect October 1, 1979.

Also:

S. 244. To amend Sections 11-89-4, 11-89-6 and 11-89-7 of the Code of Alabama 1975 relating to water, sewer, solid waste disposal and fire protection districts so as to stagger the terms of the members of water authority boards; to provide that fire protection districts may furnish and provide fire protection service in unincorporated and incorporated areas within the total service area; to eliminate the requirement of stating a name for county or city fire, water and sewer protection districts in their respective certificates of incorporation; and to allow the county commission to set the compensation to be paid board members.

Also:

S. 358. To make a supplemental appropriation to the state board of social work examiners from the state board of social work examiners' fund which is on deposit in the state treasury.

Also:

S. 394. To further authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to collect and distribute support payments, and to conform with certain provisions of the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

Also:

S. 395. To amend Section 26-10-3, Code of Alabama 1975, relating to adoptions, so as to further regulate consent for adoption of a child and notice of adoption proceedings.

Also:

S. 497. To make a conditional appropriation for capital improvements at the Alabama Youth Services Roebuck Campus, Roebuck, Birmingham, Alabama, for the fiscal year ending September 30, 1979.

Also:

S. 596. To provide further conditional appropriations totalling \$12 million to the Medicaid Program for the current fiscal year of 1978-79, said fiscal year ending on September 30, 1979.

Also:

S. 640. Relating to Jackson County; relating to the county commission; creating a department of public works for the county; providing for the construction, maintenance and repair of county roads and bridges; providing for the classification and responsibilities of certain employees and their compensation therefor; providing for duties of a county engineer; establishing temporary additional expense allowances for the chairman and members of the Jackson County Commission for a period during the transition from a "captive county" highway program to a county system; and providing that the provisions of this act shall be contingent on the passage of certain legislation.

Also:

S. 2. To amend Section 40-12-252, Code of Alabama 1975, to allow extended registration and licensing period for fleet owners of rental utility trailers.

Also:

S. 77. To amend Section 29-4-42 of the Code of Alabama 1975, relating to legislative employees, so as to increase the number of supervisory and secretarial employees that may be employed by the secretary of the senate and the clerk of the house.

Also:

S. 485. To impose additional requirements upon livestock markets as regulated by Sections 2-15-60 through 2-15-71 of the Code of Alabama 1975 by requiring such markets to report to the Commissioner of Agriculture and Industries any purchases of livestock by a livestock dealer where such a dealer has not complied with the provisions of the "Alabama Livestock Dealers' Financial Responsibility Act" (Code of Alabama of 1975, Sections 2-15-130 through 2-15-138); to define words and terms used in this Act; to authorize the Commissioner of Agriculture and Industries to inspect records of sales of livestock markets; to provide for the adoption of rules and regulations to effectuate the intent and purpose of this Act; and to prescribe penalties for violations of this Act.

Also:

S. 486. To amend Section 2-15-133, Code of Alabama 1975, by adding a provision that imposes liability on livestock dealers as defined in Section 2-15-131(5), Code of Alabama 1975, for the payment of the purchase price of all livestock purchased by such dealers without regard to whether a livestock dealer purchases livestock on his own account, or as agent for another, and without regard to the liability of another party for whom such a dealer makes such purchase.

Also:

S. 577. To authorize any county board of education and any city board of education to borrow money in anticipation of the issuance of warrants authorized to be issued under either Article 4 or Article 5 of Chapter 13 of

Title 16 of the CODE OF ALABAMA 1975 for use for any of the purposes described in said Articles and in evidence thereof to issue warrant anticipation notes maturing not later than eighteen months from the date of issue and bearing a rate of interest not exceeding eight percent per annum, to provide for payment of such warrant anticipation notes from the principal proceeds from the sale of the warrants with respect to which such notes are issued and from the tax proceeds which the issuing board may pledge to the payment of such warrants, to provide that such warrant anticipation notes may be refunded, extended or renewed by other warrant anticipation notes maturing not more than eighteen months from the date of maturity of the warrant anticipation notes then outstanding, subject to the approval of the state superintendent of education, to provide that such warrant anticipation notes may be sold at public or private sale, subject to the approval of the state superintendent of education, to provide that the board of education proposing to issue said notes shall have received the approval of the state superintendent of education, to provide that all warrant anticipation notes, all interest paid thereon, and all income derived therefrom shall be exempt from all state, county, municipal and other taxation under the laws of Alabama, and to provide that such warrant anticipation notes are proper legal investments.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

#### MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 167. HONORING MR. G. HAYWARD FORRESTER, DEPUTY SUPERINTENDENT OF BANKS FOR THE STATE OF ALABAMA.

Also:

S. J. R. 169. COMMENDING JAMES CURTIS HAMBRIGHT ON HIS OUTSTANDING BOXING CAREER.

Also:

S. J. R. 172. CREATING A CONTINUING SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICAID PROGRAMS AND REPEALING AND SUPERSEDING ACT NO. 79-390, S. J. R. 128 OF THE 1979 REGULAR SESSION.

McDOWELL LEE,  
Secretary.

#### SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

#### REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirtieth legislative day and finds the same to be correct.

JACK BIDDLE, III,  
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the thirtieth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirtieth legislative day was approved.

#### CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:45 A.M. on July 30, 1979.

H. 151

H. 427

H. 674

Delivered to the Secretary of State at 11:50 A.M. on July 30, 1979.

H. 495 (Constitutional Amendment)

H. 194 (Date of Ex. Amdt. expired. Became law without signature of Governor.)

Delivered to the Governor at 2:30 P.M. on July 30, 1979.

H. 122

H. 580

H. 759

H. 446

H. 567

H. 987

H. 264

H. 453

REGULAR SESSION  
30th Day

2519

Delivered to the Governor at 3:15 P.M. on July 30, 1979.

H. 377

H. 717

H. 782

H. 928

H. 1003

H. J. R. 319

H. J. R. 320

H. 3 (Executive Amendment)

H. 753

H. J. R. 315

Delivered to the Governor at 5:10 P.M. on July 30, 1979.

H. 906

H. 920

H. 937

H. 941

H. 1029

H. 1034

H. 1044

H. 1052

H. 1053

H. 827

H. 883

H. 978

H. 979

H. 982

H. 1067

H. 1068

H. 1054

H. 1056

H. 1057

H. 1058

H. 1059

H. 1060

H. 1061

H. 1062

H. 1063

H. 1065

H. 55

H. 825

H. 826

H. 888

H. 909

H. 910

H. 926

H. 964

H. 1035

H. 1041

H. 1042

H. 1045

H. 953

Delivered to the Governor at 8:35 P.M. on July 30, 1979.

H. J. R. 335

Delivered to the Governor at 9:15 P.M. on July 30, 1979.

H. 483.

H. 791

H. 432

H. 669

H. 860

H. 974

H. 816

Delivered to the Secretary of State at 9:15 P.M. on July 30, 1979.

H. 653 (Constitutional Amendment)

Delivered to the Governor at 9:50 P.M. on July 30, 1979.

H. 540

Delivered to the Governor at 10:15 P.M. on July 30, 1979.

H. 577

H. 664

H. 767

H. 818

REGULAR SESSION  
30th Day

2521

Delivered to the Governor at 11:40 P.M. on July 30, 1979.

H. 667

H. 225

H. 728

Delivered to the Secretary of State at 11:50 P.M. on July 30, 1979.

H. 24 (The Governor's Objection Notwithstanding)

Delivered to the Governor at 11:55 P.M. on July 30, 1979.

H. 57

H. 128

H. 138

H. 205

H. 486

H. 556

H. 708

H. 823

H. 327

H. 418

H. 806

H. 907

H. J. R. 250

H. J. R. 327

H. 455 (Ex. Amdt.)

H. 267 (Ex. Amdt.)

H. 157 (Ex. Amdt.)

H. 501 (Ex. Amdt.)

H. 275 (Ex. Amdt.)

H. 1063 (Ex. Amdt.)

H. 860 (Ex. Amdt.)

H. 174

H. 378

H. 722

H. 1009 (Ex. Amdt.)

H. 241 (Ex. Amdt.)

JOHN W. PEMBERTON,  
Clerk.

HOUSE OF REPRESENTATIVES  
STATE OF ALABAMA  
FIRST SPECIAL SESSION AND REGULAR SESSION, 1979  
LOBBYIST REGISTRATION  
PURSUANT TO JOINT RULES 15-23

NAME	FIRM
Lynne C. Abbott	National Association of Social Workers
Mary Jane Akel	Alabama Education Association
Dan C. Alexander, Jr.	Alabama Podiatry Association
Claude F. Allison	Alabama LP Gas Association Lessees of Single Tax Corporation
Doug Amos	Alabama League of Savings Associations
J. Knox Argo	American Insurance Association Blue Cross Motion Picture Association of America Tobacco Institute
Daniel Jefferson Arnold	CIBA-Geigy Corporation
Richard H. Arrington	Southern Railway Company
C. E. Avinger	Alabama Bankers Association
R. B. Bagley	A.A.R.P. & N.R.T.A.
George F. Bailey, Jr.	Alabama Railroad Association
Melvin A. Bailey	Continental Telephone Company of South
Samuel Eason Balch, Jr.	Alabama Power Company
P. H. "Pat" Banks	National Federation of Independent Business
Eugene A. Baril	General Telephone Company of the Southeast
Elizabeth Barker	Alabama State Nurses Association
C. W. Bates	United States Pipe and Foundry Co. Jim Walter Resources
George Beck	Alabama Trial Lawyers Association
Gary Beers	Upjohn Healthcare Services, Inc.
J. Robert Benton	Wine Institute
Jospeh P. Bethea	Chevron U.S.A., Inc.
John Clyde Blair	Retired People and Teachers
Robert C. Boone	Gulf Oil Corporation
James B. Brand, Jr.	Associated Industries of Alabama
Garfield R. Bright, Sr.	Alabama Education Association
Joe Brindley	University of Montevallo
James Judson Britton	Alabama Chamber of Commerce
Harry B. Brock, Jr.	Central Bank of Birmingham



David C. Brown	University of North Alabama
Elmo H. Brown	National Council of Alcoholism— Alabama Division
Charles W. Burke	Distilled Spirits Council of U. S., Inc.
A. A. Burks	Alabama A & M University
Amy Burks	Alabama Education Association
Charles J. Burns	Association of Alabama Cemeteries
Richard J. Burrell	Household Finance Corporation
Peter T. Butler	Alabama State Employees Association
Henry H. Caddell	Legal Services Corp. of Alabama
Carolyn Cagle	Board of Advisors—Alabama Historical Commission
Billy Joe Camp	Billy Joe Camp Hogan, Smith & Alspaugh Alabama Trial Lawyers Association Asbestos Workers Union
Joseph T. Carpenter	Alabama State Bar Association
Bruce Carr	Laborers International Union
John S. Casey	Alabama Railroad Association
John H. Castle	Mobile Gas Company
William F. Chestnutt	Union Camp Corporation
James M. Christian	CIBA-GEIGY Pharmaceutical Division
James S. Clark	Central Bancshares of the South
John W. Cloud	John W. Cloud
William J. Cobb	South Central Bell
Sam L. Coleman	Sam L. Coleman
Jerry Collins	Concerned Christians for Good Govern- ment
Robert D. Cosper	Alabama Education Association
Bobby J. Crawford	Alabama Power Company
Travis L. Crosslin	Laborers District Council of Alabama
Warren B. Crow, III	Alabama Independent Insurance Agents
A. Derrill Crowe	Mutual Assurance Society of Alabama
Jame Culbreth	Alabama Federation Business and Pro- fessional Women's Clubs, Inc.
R. J. Cunningham	Alabama Association of Life Underwrit- ers Alabama Hotel & Motel Association Alabama Travel Council Alabama Association of Radio Utilities Professional Insurance Agents Associa- tion of Alabama

Milo Dakin	Alabama Consumer Finance
Thomas R. Dart	Alabama Petroleum Council
James Rudolph Davidson	University of Alabama in Birmingham
Janet I. Davis	Alabama Education Association
Joe M. Dawkins, II	Office of Consumer Protection
Greg deLissavoy	National Council of Alcoholism— Alabama Division
Ledger Diamond	Laborers Retirement Union
Jeffery Blow Dolbare	Alabama Education Association
John H. Dorrill, Jr.	Alabama Farm Bureau Federation
Paul B. Doucette	Texaco, Inc.
David Lee Duke	Alabama State Police Association
Alfred Dutland	Alabama Education Association
Tom Eden	Alabama Textile Manufacturers Association
Matilda L. Edwards	National Council on Alcoholism— Alabama Division
Marion F. Ellis	Alabama Association of Volunteer Fire Departments
Phyllis Lee Emmons	Alabama Education Association
Sam Engelhardt	Alabama Power Company
Edward S. Farish	Department of Conservation and Natural Resources
Preston T. Farish	A & M University
Edward E. Fields	Mobile Gas Service Corporation
Jane Fields	Alabama State Policeman's Association
Robert Finley	Alabama Department of Public Health
P. B. Ford, Jr.	Ford Finance Company
E. C. Foshee	Universal Consultants Inc.
Glenn C. Foshee	Montgomery Fire Fighters Association—Local 1444
James Freeman	Alabama Labor Council
Thomas T. Gallion, III	American Mutual Insurance Alliance Fairhope Fair Tax Corporation
James F. Gamble	National Guard Association of Alabama
John Ganaway	Birmingham Fire Fighters Association
Bud Garnett	Alabama Association of Volunteer Fire Departments
James E. Gattis, Jr.	Alabama Education Association
Shirley Jean Gean	Alabama Education Association
Donald J. Gibson	Troy State University

Billy Gray	Birmingham Fire Fighter Association—Local 117
James A. Gray	Alabama Road Builders Association, Inc.
William L. Green	Alabama By-Products Corporation
John Scott Greene	City of Birmingham
James Hunter Groome	Mead Corporation
Glen Hale	Birmingham Fire Fighters—Local 117
Morris Gresham Hale	Mental Health
Philip G. Hallam	Alabama Wholesale Beer & Wine Association
D. N. Hamilton	Alabama League of Municipalities American Reciprocal Insurance Association Jim Walter Corporation Clerks & Registers Association Graham Resources, Inc.
Michael R. Hamilton	Alabama Education Association
Robert L. Harper	Birmingham Regional Hospital Council
Patrick Harris	Unified Judicial System
Roosevelt A. Harris	Alabama Education Association
John H. Hawkins, Jr.	Alabama Power Company
William E. Hewlett	Ridout's Brown Service, Inc.
J. Bruce Hildebrand	Alabama Asphalt Pavement Association
Daniel Holsenbeck	AUM
John Horne	Alabama Rural Electric
Dottie Hubbard	Alabama Education Association
Paul Hubbert	Alabama Education Association
James H. Hudson	Eli Lilly & Co.
Phillip W. Hudson	Hudson Seat Covers
Larry Hunt	Alabama Association of School Boards
Robert T. Hydrick	The Mead Corporation
Kenneth F. Ingram	State Judiciary
Dr. Paul D. Irby	Dr. Paul D. Irby
Lynne F. Jarome	National Council on Alcoholism—Alabama Division
Bruce Jetton	Alabama Trial Lawyers' Association
Emmitt E. Jimmar	Alabama Education Association
Walter Johnsey	Alabama Power Company
Gerald W. Johnson	Auburn University
John B. Johnson	Alabama Petroleum Council
J. Reese Johnston, Jr.	Jefferson County

D. Paul Jones, Jr.	Central Bancshares of the South, Inc.
Fred R. Jones	Alabama State Chiropractic Association
William R. Jones, Jr.	The University of Alabama
James V. Jordan, III	Southern Natural Gas Company
Jane L. Katz	League of Women Voters of Alabama
	National Association of Social Workers
Frances Kearley	Alabama Education Association
Pat Keener	Alabama Education Association
Boyd Kelly	Alabama Forestry Association
Deborah P. Kennedy	Alabama Education Association
William R. Kilpatrick	Alabama Association of Volunteer Fire Departments
H. B. Kimbrough	State Judiciary
William Carl King	Alabama Institute for the Deaf and Blind
G. Gordon Knight	Smigh, Kline & French Laboratories
Vernon D. Knight	Alabama Optometric Association
William A. Knipe	Retired Employees Revenue Department
Alex S. Lacy	Alabama Gas Corporation
Ealon M. Lambert	Reynolds Metals Company
John Landers	Alabama Education Association
Richard G. Lee	Exxon Company U. S. A.
Edwin K. Livingston	Alabama Tax Assessors & Collectors Graham Resources, Inc.
Douglas Locke	Alabama Education Association
Wilburn R. Lollar	United Mine Workers of America
Fred D. Long	Alabama Petroleum Markets Associa- tion
F. Thomas Longerbeam	Motor Vehicle Manufactuers Association
James E. Lowden, Jr.	Alabama Christian Education Associa- tion
Murray P. McCluskey	Council for the Advancement of Private Colleges in Alabama
Douglas J. McColl	Mobile Bar Pilots Association
Charles McDonald	Alabama Retail Association
Tom McGregor	Alabama Gas Corporation
Sue McInnish	League of Women Voters
Harry McMillan	Alabama Bancorporation
Julian L. McPhillips, Jr.	Hogan, Smith & Alspaugh
Floyd H. Mann	The University of Alabama
Robert A. Martin	Administrative Office of Courts
Jeffrey D. Masters	Associated Builders & Contractors, Inc.
Phillip E. Mathers	Mobile County Tax Assessor's Office

Dan Meissner	West Alabama EMS, Inc.
Oakley Melton, Jr.	Alabama Soft Drink Association
John C. Miller	National Advertising Company
John W. Miller	Home Builders Association of Alabama
Largent M. Miller	Ala.-Miss. Independent Telephone Association
Maston Mims	Independent
William E. Mintz	Alabama Labor Council AFL-CIO
Charles K. Mitchell	Home Builders Association of Alabama
Wendell W. Mitchell	Production Credit Associations of Alabama
	Alabama Bankers Association
Gilbert Mobley	Associated Industries of Alabama
L. Warren Moseley, Jr.	Alabama Association of Realtors
William P. Murray	Birmingham Fire Fighters—Local 117
James William Myers	A. H. Robins Company, Inc.
Jim Mysinger	State Department of Pensions and Security
James E. Nash	Alabama Lenders Association
Virginia D. Nixon	Alabama Education Association
Bill O'Connor	Alabama Press Association
Alton B. Parker	NRTA-AARP
William G. Parker	Alabama Education Association
Milton K. Parsons	Alabama Farm Bureau Federation
Emilil Lawson Payne	National Council on Alcoholism—Alabama Division
J. Ed Pepperman	United States Brewers Association, Inc.
James J. Plaster	Alabama Soil and Water Committee
W. T. Pouncy	Brotherhood of Maintenance of Way Employees
Jerry A. Powell, Jr.	Alabama Nursing Home Association
Claude S. Prier	Fraternal Order of Police
Chester M. Pugh	Alabama State Policemen's Association
Randy Quinn	Alabama Association of School Boards
A. J. "Tony" Rane	Alabama Hotel & Motel Association Alabama Travel Council
Randolph P. Reaves	Alabama Psychological Association Division 1, Licensed Psychologists Alabama Dental Association
Norman Rice	Jefferson County Board of Education

Robert S. Richard	Boating Industry Association National Association of Engine and Boat Manufacturers
E. Clark Richardson	Alabama Power Company
Diane Lynn Rider	Alabama State Nurses Association
James I. Ritchie	Alabama Trucking Association
Charlie Robbins	Joe Wheeler Electric Membership Corp.
Price E. Robinson	Alabama Fire Fighters Standards Com- mission
Frank Rogers	Melvin Bailey
Perry Crawford Roguemoore, Jr.	Alabama League of Municipalities
Robert C. Roton	Retired State Employees
Charlie Rowe	Jacksonville State University
Robert J. Russell	Alabama Association of Realtors Associated General Contractors of America, Inc. National Management, Inc. Consumer Reforms, Inc. Citizens Tort Reform Commission Robert J. Russell, Attorney
Roy Otis Russell	State Department of Agriculture and In- dustries
Becky Sanders	Alabama Trial Lawyers Association
Jewel D. Schremeser	State Department of Pensions and Secu- rity
Wayne F. Schweitzer	Air Transport Association
Robert L. Scott	Container Corporation of America
Cecil D. Sexton	Montgomery Fire Fighters Association—Local 1444
Oscar Sharpless	Association of County Commissions of Alabama
Sara Shipp	Alabama Education Association
Ed Short	Covington Electric Cooperative
Steve Shumaker	Alabama Education Association
T. Julian Skinner, Jr.	Alabama By-Products Corporation
H. E. Smith, Jr.	Fairfield Finance Corporation
Hugh Dwayne Smith	Alabama Association of Volunteer Fire Departments
John M. Smith	Municipal Electric Utility Association
Joseph Wilson Smith	Alabama Chamber of Commerce
Philip H. Smith	Talladega College Talladega County
Walter Clifford Smith, II	Alabama Chamber of Commerce

Reginald Lee Sorrells	Association of County Commissions of Alabama
Jerry W. Spencer	Alabama Farm Bureau Federation
Charles G. Spradling, Jr.	Low-Income Clients of Legal Services of North-Central Alabama
Clemit W. Spruiell	Livingston University
Ted M. Stansell	Alabama Health Care Association George Hutchinson General Counsel Alabama Funeral Directors Association
Odell Stevens	White Advertising International
Leslie Stifflemire	Chapter 28 A.A.R.P.
L. L. Still	NRTA-AARP
Robert E. Strain	U. S. Steel Corporation
James A. Street	Alabama Council for School Administration and Supervision
Harold E. Streetman	Automobile Dealers Association of Alabama, Inc.
Thomas J. Sudduth	Alabama Education Association
Bernard L. Sullivan	Alabama Education Association
Roland L. Taylor	Alabama Association of Volunteer Fire Departments
B. C. Terry	Alabama Education Association
Thomas W. Thagard, Jr.	Outdoor Advertising Association of Alabama
Frank Thiemonge, Jr.	Alabama Safety Council, Inc.
David M. Tiffany	University of South Alabama
Robert D. "Bobby" Timmons	Alabama Sheriffs Association
W. B. Timmons	Alabama Motorist Association
Rexann Trammell	National Council on Alcoholism—Alabama Division
Dan Turner	G & W Construction Company
John Turner	Georgia-Pacific
Marvin F. Tye	Alabama Wildlife Federation
Larry Tyner	Weyerhaeuser Company
Kenneth Underwood	South Central Bell
John B. Ussery	Wiregrass Electric Coop., Inc.
Howard Vaughan	Liberty National Life Insurance Company
James Wayne Vest	Alabama Association of Volunteer Fire Departments
Larry Vinson	Alabama Textile Manufacturers Association
Darrell Hilton Walker	United Home Owners of America, Inc.

Thomas M. Walker	Alabama Fire Fighter-P.F.F.A
Joseph Edward Ward	Alabama Education Association
Don F. Wasson	Alabama Mining Institute
Betty Jo Watkins	Alabama Association of Boards of Registrars Olin Corporation
John F. Watkins	Alabama League of Municipalities
J. Hilton Watson	Alabama Forestry Association
Laura Watts	A.A.R.P-N.R.T.A.
John E. Webster	Birmingham Convention & Visitors Bureau
Marvin E. Weekley	Alabama Fire Fighters
Barney Weeks	Alabama Labor Council, AFL-CIO
Gary L. Whiddon	Alabama Pharmaceutical Association
Richard C. Whitaker	Medical Association of the State of Alabama
J. Herbert White	Auburn University
Calvin M. Whitesell	Tobacco Tax Council Cole National Corporation Sperry Hutchinson
Charles H. Williams, Jr.	Mid-Continent Oil & Gas Association
Jesse W. Williams	Olin Corporation
Jimmie J. Williams	Montgomery Fire Fighter Association—Local 1444
E. Ham Wilson	Alabama Cattlemen's Association
Glenn B. Winston	The Circuit Western, P. C.
John W. Woods	Alabama Bancorporation
Mildred J. Worthy	Alabama Education Association
Gregory D. Wren	Alabama Association of Realtors
John J. Wright	Greater Birmingham Association of Home Builders

## ADJOURNMENT

The hour of 12:00 o'clock midnight, having arrived, the Speaker declared the House adjourned sine die.

Attest:

JOHN W. PEMBERTON  
Clerk of the House of Representatives,  
of the Legislature of Alabama,  
Regular Session, 1979.



**HOUSE OF REPRESENTATIVES**  
**REGULAR SESSION, 1979**  
**ALPHABETICAL ROSTER AND DISTRICT NUMBER**

Charles H. Adams, 66	Phillip "Phil" B. Kelley, 26
H. H. "Bill" Adams, 30	Cain J. Kennedy, 98
Robert E. Albright, 20	Yvonne Kennedy, 103
John E. Amari, 34	Richard Laird, 61
Park Barton, 46	Charles D. Langford, 77
Ann Bedsole, 101	S. R. "Sam" Letson, 7
Jim Bennett, 37	M. Duane Lewis, 50
Jack Biddle, III, 35	Joe C. McCorquodale, Jr., 92
A. J. Blake, 56	Bob McKee, 79
Hugh Boles, 42	John M. McMillan, Jr., 95
William C. "Bill" Bowling, 11	Richard S. "Rick" Manley, 87
Carl C. Brakefield, 12	Preston "Mann" Minus, Jr., 90
James E. Buskey, 99	Earl Mitchell, 89
W. J. "Bill" Cabaniss, Jr., 31	Sonny Moore, Jr., 52
James M. Campbell, 59	Alvis Naramore, 13
Joe R. Carothers, Jr., 71	C. Howard Nevett, 41
Tommy Carter, 16	J. Fred Olive, II, 40
Eric O. Cates, Jr., 84	Walter Owens, 48
Earl Cheatwood, 14	V. M. Parker, 97
George N. Clark, 88	Robert Elliott "Bob" Patton, 8
Wayne Cobb, 5	Arthur Payne, 15
Tom C. Coburn, 3	Leigh Pegues, 86
Steve Cooley, 10	Walter E. Penry, Jr., 94
W. F. "Noopie" Cosby, Jr., 85	T. Euclid Rains, Sr., 25
Bobby C. Crow, 58	James E. Ray, 68
Gene Daniels, 73	Thomas Reed, 67
Gerald O. Dial, 60	Frank Riddick, 18
Larry D. Dixon, 81	Tommy Ed Roberts, 9
Bill Drinkard, 29	J. Thomas Sandusky, 100
William D. Edwards, 83	James G. Sasser, 69
Joe M. Ford, 28	George Seibels, 32
Robert C. "Bob" Gafford, 33	Cecil Shavers, 23
Charles T. Gilmer, 6	Wallace Shoemaker, 55
J. W. "Joe" Goodwin, 4	Curtis Smith, 53
Lynn Greer, 1	James P. Smith, 17
Richard Gregg, 19	Martha Jo Smith, 21
George H. Grimsley, 70	Nelson R. Starkey, Jr., 2
E. A. Grouby, Jr., 82	George Stewart, 104
Albert Hall, 22	J. David Stout, 24
Seth Hammett, 75	Hoyt W. Trammell, 36
Owen Harper, 62	Jerome Tucker, 43
Taylor F. Harper, 105	J. E. Turner, 96
A. L. "Tony" Harrison, 44	Pete Turnham, 63
Bob Harvey, 27	Jack B. Venable, 76
Earl F. Hilliard, 45	J. T. "Jabo" Waggoner, Jr., 51
L. Brooks Hines, 91	Shelby Dean Ward, 64
Jimmy W. Holley, 74	J. E. "Jimmy" Warren, 93
Alvin Holmes, 80	Charles W. Whatley, 65
William Fred Horn, 39	R. Nolan Williams, 72
Asbury Howard, 49	Gerald Willis, 57
Ronald E. Jackson, 38	Cecil Wyatt, 78
Ronald G. Johnson, 54	Mary S. Zoghby, 102
Roy W. Johnson, Jr., 47	

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA**

**REGULAR SESSION 1979**

**OFFICERS**

JOE C. McCORQUODALE, JR., *Speaker*, Jackson

RICHARD S. (RICK) MANLEY  
*Speaker Pro-Tem*, Demopolis

JOHN W. PEMBERTON, *Clerk*, Montgomery

**MEMBERS OF THE HOUSE**

<b>Dist. No.</b>	<b>Counties</b>	<b>Name</b>	<b>Address</b>
1	LAUDERDALE	Lynn Greer .....	Rt. 3, Box 102, Rogersville 35652
2	LAUDERDALE	Nelson R. Starkey, Jr. ....	158 Cedarcrest Drive, Florence 35630
3	LAUDERDALE, COLBERT, FRANKLIN	Tom Coburn .....	1107 E. Third St., Tuscumbia 35674
4	COLBERT, FRANKLIN	J. W. (Joe) Goodwin .....	310 Ford Road, Muscle Shoals 35660
5	FRANKLIN, MARION	Wayne Cobb .....	Rt. 4, Hamilton 35570
6	LAMAR, MARION, FAYETTE	Charles T. Gilmer .....	P. O. Box 665, Vernon 35592
7	LAWRENCE, MORGAN	S. R. (Sam) Letson .....	P. O. Box 156-B, Moulton 35650
8	MORGAN	Robert E. "Bob" Patton .....	P. O. Box 786, Decatur 35601
9	MORGAN	Tommy Ed Roberts .....	Brookwood Street, P. O. Box 1298, Hartselle 35640
10	MORGAN, CULLMAN	Steve Cooley .....	P. O. Box 402, Cullman 35055
11	CULLMAN, WINSTON	W. C. "Bill" Bowling .....	Rt. 2, Hanceville 35077
12	WINSTON, WALKER	Carl C. Brakefield .....	P. O. Box G, Carbon Hill 35549
13	WALKER	Alvis Naramore .....	Rt. 10, Jasper 35501

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

- 14 JEFFERSON, BLOUNT  
Earl Cheatwood ..... Rt. 1, Box 932, Warrior 35180
- 15 JEFFERSON  
Arthur Payne ..... 2825 2nd St., N.W., Birmingham 35215
- 16 LIMESTONE  
Tommy Carter ..... Rt. 2, Box 72, Elkmont 35620
- 17 LIMESTONE, MADISON  
James P. (Jim) Smith ..... 108 South Side Square  
Huntsville 35801
- 18 MADISON  
Frank H. Riddick .... 7804 Lauderdale Rd., S.W., Huntsville 35802
- 19 MADISON  
Richard Gregg ..... 4007 Nelson Dr., Huntsville 35810
- 20 MADISON  
Robert E. Albright ..... 2024 Stanhope Dr., N.E.,  
Huntsville 35811
- 21 MADISON  
Martha Jo Smith ..... 1700 Big Cove Rd., S.E., Huntsville 35801
- 22 MADISON, JACKSON  
Albert Hall ..... P. O. Box 275, Gurley 35748
- 23 JACKSON  
Cecil Shavers ..... Jackson County Court House,  
Scottsboro 35768
- 24 JACKSON, DeKALB  
J. David Stout ..... Rt. 7, Fort Payne 35967
- 25 DeKALB, MARSHALL  
T. Euclid Rains, Sr., ..... Rt. 1, Box 326, Albertville 35950
- 26 MARSHALL  
Phillip B. (Phil) Kelley ..... Rt. 2, Box 486, Guntersville 35976
- 27 BLOUNT, ETOWAH, MARSHALL  
Bob Harvey ..... Rt. 4, Box 342, Oneonta 35121
- 28 ETOWAH  
Joe Ford ..... 117 Arcade St. E., Gadsden 35903
- 29 ETOWAH  
Bill Drinkard ..... P. O. Box 372, Gadsden 35902
- 30 ETOWAH, CHEROKEE  
H. H. (Bill) Adams ..... Rt. 3, Box 257, Piedmont 36272
- 31 JEFFERSON  
W. J. (Bill) Cabaniss ..... P. O. Box 57032, Birmingham 35209
- 32 JEFFERSON  
George Seibels ..... 4016 10th Ave., So., Birmingham 35222
- 33 JEFFERSON  
Robert C. "Bob" Gafford ... 5345 Division Ave., Birmingham 35212

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

- 34 **JEFFERSON**  
John E. Amari ..... 9636 Parkway E., Birmingham 35215
- 35 **JEFFERSON**  
Jack Biddle, III ..... 2256 Pinehurst Dr., Gardendale 35071
- 36 **JEFFERSON**  
Hoyt W. Trammell ..... Rt. 15, Box 247, Birmingham 35224
- 37 **JEFFERSON**  
Jim Bennett ..... Dept. of Public Affairs, B'ham Southern College,  
800-8th Ave., West, Birmingham 35204
- 38 **JEFFERSON**  
Ronald E. Jackson ..... 1324 Elmwood St., Birmingham 35211
- 39 **JEFFERSON**  
William Fred Horn ..... 333 16th Ave. S.W., Birmingham 35211
- 40 **JEFFERSON**  
J. Fred Olive, II ..... 1612 27th St. W., Birmingham 35218
- 41 **JEFFERSON**  
C. Howard Nevett ..... 5028 Parkway Ave., Fairfield 35064
- 42 **JEFFERSON**  
Hugh Boles ..... 1036 Normandale Circle, Hueytown 35020
- 43 **JEFFERSON**  
Jerome Tucker ..... 1603 N. 34th Ave., Birmingham 35207
- 44 **JEFFERSON**  
A. L. (Tony) Harrison ..... 1630 4th Ave., No., Birmingham 35203
- 45 **JEFFERSON**  
Earl F. Hilliard ..... P. O. Box 11385, Birmingham 35202
- 46 **TUSCALOOSA**  
Park Barton ..... P. O. Box 338, Tuscaloosa 35401
- 47 **TUSCALOOSA**  
Roy W. Johnson, Jr. .... 4501 20th St., N.E., Tuscaloosa 35401
- 48 **TUSCALOOSA, BIBB**  
Walter Owens ..... 107 Court Sq. West, Centreville 35042
- 49 **TUSCALOOSA, JEFFERSON**  
Asbury Howard ..... 1930 Exeter Ave., Bessemer 35020
- 50 **JEFFERSON**  
M. Duane Lewis ..... 732 Castlewood Dr., Bessemer 35020
- 51 **JEFFERSON, SHELBY**  
J. T. "Jabo" Waggoner, Jr. .. 1829 Mission Rd., Birmingham 35216
- 52 **JEFFERSON, SHELBY, TALLADEGA**  
Sonny Moore, Jr. .... P. O. Box 44, Sterrett 35147
- 53 **CHILTON, SHELBY**  
Curtis Smith ..... Rt. 3, Box 118, Clanton 35045

# **ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued**

- 54 COOSA, TALLADEGA  
Ronald G. Johnson ..... Hobson Plaza Pharmacy,  
Sylacauga 35150
- 55 TALLADEGA  
Wallace Shoemaker ..... 15 Cliff Rd., Childersburg 35044
- 56 ST. CLAIR, CALHOUN  
A. J. Blake ..... Rt. 1, Box 206A, Pell City 35125
- 57 CALHOUN  
Gerald Willis ..... Rt. 2, Box 286, Piedmont 36272
- 58 CALHOUN  
Bobby C. Crow ..... Rt. 10, Box 842, Anniston 36201
- 59 CALHOUN  
James M. Campbell ..... P. O. Box 2003, Anniston 36202
- 60 CLAY, CLEBURNE, TALLADEGA  
Gerald O. Dial ..... Box 275, Lineville 36266
- 61 RANDOLPH, CHAMBERS  
Richard Laird ..... Bonner Dr., Roanoke 36274
- 62 TALLAPOOSA, CHAMBERS  
Owen Harper ..... 502 Lilly Ave., E. Tallassee 36023
- 63 TALLAPOOSA, LEE, CHAMBERS  
Pete Turnham ..... P. O. Box 1592, Auburn 36830
- 64 CHAMBERS, LEE  
Shelby Dean Ward ..... P. O. Box 689, Opelika 36801
- 65 LEE, RUSSELL, BARBOUR  
Charles W. Whatley ..... Rt. 5, Box 296, Opelika 36801
- 66 RUSSELL  
Charles Adams ..... P. O. Box 967, Phenix City 36867
- 67 MACON, BULLOCK  
Thomas Reed .... Drawer EE, Tuskegee Institute, Tuskegee 36088
- 68 PIKE, COFFEE, BULLOCK, BARBOUR  
James E. Ray ..... 104 Woodland Circle, Troy 36081
- 69 DALE, BARBOUR, HENRY  
James G. Sasser ..... 1208 Skipperville Rd., Ozark 36360
- 70 HOUSTON, HENRY, BARBOUR  
George H. Grimsley ..... Rt. 1, Columbia 36319
- 71 HOUSTON  
Joe Carothers, Jr. .... Rt. 8, Box 33, Dothan 36301
- 72 DALE  
R. Nolan Williams ..... Rt. 2, Newton 36352
- 73 GENEVA, COVINGTON, HOUSTON  
Gene Daniels ..... Rt. 2, Box 207, Samson 36477
- 74 COVINGTON, COFFEE  
Jimmy W. Holley ..... Rt. 3, Box 191 E, Elba 36323
- 75 COVINGTON  
Seth Hammett ..... P. O. Box 1418, Andalusia 36420

# **ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued**

- 76 **ELMORE**  
Jack B. Venable ..... P. O. Box 736, Tallassee 36078
- 77 **MONTGOMERY**  
Charles D. Langford ..... 352 Dexter Ave., Montgomery 36104
- 78 **MONTGOMERY, CRENSHAW**  
Cecil Wyatt ..... P. O. Box 1, Ramer 36069
- 79 **MONTGOMERY**  
Bob McKee ..... P. O. Box 424, Montgomery 36102
- 80 **MONTGOMERY**  
Alvin Holmes ..... P. O. Box 6064, Montgomery 36106
- 81 **MONTGOMERY**  
Larry Dixon ..... Jackson Hospital Foundation,  
1235 Forest Ave., Montgomery 36106
- 82 **MONTGOMERY, AUTAUGA, ELMORE, LOWNDES**  
E. A. Grouby, Jr. .... P. O. Box 188, Prattville 36067
- 83 **WILCOX, LOWNDES, DALLAS**  
William D. Edwards ..... Rt. 1, Box 180A, Fort Deposit 36032
- 84 **BUTLER, CRENSHAW**  
Eric O. Cates, Jr. .... Rt. 2, Box 320, Greenville 36037
- 85 **DALLAS, AUTAUGA**  
William F. "Noopie" Cosby, Jr. .... 201 Ruth St., Selma 36701
- 86 **DALLAS, PERRY, MARENGO**  
Leigh Pegues ..... 204 East Early St., Marion 36756
- 87 **MARENGO, SUMTER, HALE, GREENE**  
Richard S. (Rick) Manley ..... P. O. Drawer U, Demopolis 36732
- 88 **GREENE, PICKENS, TUSCALOOSA, HALE**  
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- 89 **TUSCALOOSA, PICKENS**  
Earl Mitchell ..... P. O. Box 426, Northport 35476
- 90 **SUMTER, CHOCTAW**  
Preston "Mann" Minus, Jr. .... P. O. Box 312, Livingston 35470
- 91 **ESCAMBIA**  
L. Brooks Hines ..... P. O. Box 345, Brewton 36426
- 92 **CLARKE, MONROE**  
Joe C. McCorquodale, Jr. .... P. O. Box 928,  
111 W. Church St., Jackson 36545
- 93 **MONROE, CONECUH, ESCAMBIA**  
J. E. (Jimmy) Warren ..... P. O. Box 207, Castleberry 36432
- 94 **BALDWIN**  
Walter E. Penry, Jr. .... Rt. 2, Box 286, Daphne 36526
- 95 **BALDWIN, MOBILE**  
John McMillan, Jr. .... P. O. Box 174, Stockton 36579
- 96 **WASHINGTON, MOBILE**  
J. E. Turner ..... P. O. Box 901, Citronelle 36522

**ROSTER OF THE HOUSE OF REPRESENTATIVES  
OF ALABAMA—Continued**

- 97 **MOBILE**  
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- 98 **MOBILE**  
Cain J. Kennedy ..... 111 Lovejoy Loop, Prichard 36610
- 99 **MOBILE**  
James E. Buskey ..... 2207 Barretts Lane, Mobile 36617
- 100 **MOBILE**  
J. Thomas (Tommy) Sandusky .. 2113 Knollwood Dr., Mobile 36609
- 101 **MOBILE**  
Ann Bedsole ..... 25 Edgefield Rd., Mobile 36608
- 102 **MOBILE**  
Mary S. Zoghby ..... 2862 Hilburn Dr., Mobile 36606
- 103 **MOBILE**  
Yvonne Kennedy ..... 1205 Glennon Ave., Mobile 36603
- 104 **MOBILE**  
George Stewart ..... 4413 S. Shan Dr., Mobile 36609
- 105 **MOBILE**  
Taylor F. Harper ..... P. O. Box 208, Grand Bay 36541
-

**ROSTER OF THE  
SENATE OF ALABAMA  
REGULAR SESSION, 1979**

George D. H. McMillan, Jr., *Lieutenant Governor*  
State Capitol, Montgomery

Finis St. John, *President Pro-Tem*  
Cullman

McDowell Lee, *Secretary*  
Montgomery

Mrs. William R. Lawley, Jr., *Chief Clerk*  
Montgomery

- DISTRICT NO. 1**  
Bobby Denton ..... 413 Highway 43 South,  
Tusculumbia 35674
- DISTRICT NO. 2**  
Charlie Britnell ..... Northwest Alabama State  
Junior College, Phil Campbell 35851
- DISTRICT NO. 3**  
Charles B. Martin ..... P. O. Box 2204, Decatur 35602
- DISTRICT NO. 4**  
Finis St. John ..... P. O. Drawer K, Cullman 35055
- DISTRICT NO. 5**  
Robert (Bob) Hall ..... 2601 Carson Road, Birmingham 35215
- DISTRICT NO. 6**  
Albert McDonald ..... Route 1, Madison 35758
- DISTRICT NO. 7**  
Bill Smith ..... Suite 410, Central Bank Building,  
Huntsville 35801
- DISTRICT NO. 8**  
James Lemaster ..... Route 2, Box 228, Scottsboro 35768
- DISTRICT NO. 9**  
Hinton Mitchem ..... P. O. Box 297, Albertville 35950
- DISTRICT NO. 10**  
Larry H. Keener ..... 816 Chestnut St., Gadsden 35901
- DISTRICT NO. 11**  
Dewey White ..... P. O. Box 7685A, Birmingham 35223
- DISTRICT NO. 12**  
Paschal P. "Pat" Vacca ..... 929-30 Frank Nelson Bldg.,  
Birmingham 35203
- DISTRICT NO. 13**  
J. Richmond Pearson ..... Citizens Federal Building,  
P. O. Box 11135, Birmingham 35202
- DISTRICT NO. 14**  
Mac Parsons ..... 621 City Federal Building,  
Birmingham 35203
- DISTRICT NO. 15**  
U. W. Clemon ..... Suite 1600, 2121 Building,  
Birmingham 35214
- DISTRICT NO. 16**  
Ryan deGraffenried, Jr. .... P. O. Box 2427, Tuscaloosa 35401



**ROSTER OF THE SENATE OF ALABAMA—Continued**

DISTRICT NO. 17	
Doug Cook .....	P. O. Box 6223-A, Tarrant 35217
DISTRICT NO. 18	
Lister Hill Proctor .....	121 North Norton Ave., Sylacauga 35150
DISTRICT NO. 19	
John A. Teague .....	P. O. Box 427, Childersburg 35044
DISTRICT NO. 20	
Donald G. Holmes .....	1915 Robinhood Dr., Oxford 36203
DISTRICT NO. 21	
T. D. "Ted" Little .....	P. O. Box 342, Auburn 36830
DISTRICT NO. 22	
G. J. "Dutch" Higginbotham .....	2602 Savage Drive, Phenix City 36867
DISTRICT NO. 23	
Mike Weeks .....	510 Park Street, Troy 36081
DISTRICT NO. 24	
Chip Bailey .....	P. O. Box 6791, Dothan 36302
DISTRICT NO. 25	
Wallace Miller .....	100½ No. Main, Enterprise 36330
DISTRICT NO. 26	
Don Harrison .....	516 S. Perry St., Montgomery 36104
DISTRICT NO. 27	
Bishop N. Barron .....	P. O. Box 221, Montgomery 36104
DISTRICT NO. 28	
Cordy Taylor .....	P. O. Box 596, 839 S. Memorial Drive, Prattville 36067
DISTRICT NO. 29	
Earl Goodwin .....	P. O. Box 886, Selma 36701
DISTRICT NO. 30	
Edward D. "Big Ed" Robertson .....	P. O. Box 331, Northport 35476
DISTRICT NO. 31	
Reo Kirkland, Jr. ....	P. O. Box 646, 102 St. Joseph, Brewton 36426
DISTRICT NO. 32	
Robert I. "Bob" Gullledge .....	P. O. Box 429, Robertsdale 36567
DISTRICT NO. 33	
Michael A. Figures .....	1407 Davis Avenue, Mobile 36603
DISTRICT NO. 34	
H. L. "Sonny" Callahan .....	P. O. Box 1208, Mobile 36601
DISTRICT NO. 35	
Bob Glass .....	State Legislative Office, 602 Belair Blvd., Suite 17, Mobile 36606

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- 1975 Acts, act 285, regular session, expense allowance for Lauderdale county coroner—  
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- 1975 Acts, act 457, regular session, regulating parking facilities in Lauderdale county—  
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- 1975 Acts, act 462, regular session, section 1, Lauderdale county jury commission salaries—  
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- 1975 Acts, act 633, regular session, section 1, providing for the election of the superintendent of the Lauderdale county board of education—  
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- 1975 Acts, act 653, regular session, voter registration and reidentification in Mobile county—  
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- 1975 Acts, act 904, regular session, sections 12, 14, and 20, Gadsdens policemen and firemen retirement fund—  
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- 1976 Acts, act 380, regular session, providing for the election of the Morgan county board of education—  
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- 1978 Acts, act 414, regular session, section 2, relating to the district attorney of Dallas county—  
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- 1967 Acts, act 751, regular session, relating to the operation of the Mobile county health department—  
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- 1972 Acts, act 279, third special session, expense allowance for county commission of counties 21,924 to 22,960 population—  
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- 1976 Acts, act 700, regular session, relating to Shelby county, prisoner work release—  
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- 1978 Acts, act 630, regular session, Jefferson county truck weight inspectors and transfer agents civil service status—  
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Civil service board, membership provided—

HB 671, pages 548, 585, 715, 808, 818, 954

Deputy officials, relating to—

HB 764, pages 749

HB 830, pages 966, 1054, 1216, 1654, 1685, 1732

Sheriffs attorney, compensation increased—

HB 801, pages 840, 1054, 1214, 1467, 1489, 1526

Sheriffs office, application procedures, provided for—

HB 670, pages 548, 585, 715, 808, 818, 954

## CALHOUN COUNTY INDUSTRY WEEK

Designated—

SJR 126, pages 1362, 1432, 1599



## CAMP CIVITAN

Taxes, gross receipts and sales of utilities, sales and use and ad valorem,  
exempt from—  
HB 598, page 435

## CAMPAIGN COMMITTEES

Provided for—  
HB 746, pages 700

## CAPITOL COMPLEX MAINTENANCE AND REPAIR FUND

Established—  
HB 831, pages 966, 1020, 1317, 1402, 2064, 2115, 2257

## CAPITOL HOSTESSES

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HJR 335, pages 2431, 2437, 2440, 2520

## CAPITOL TREES AND SHRUBS

Destruction of, halted—  
SJR 135, page 1492

## CAPTIVE COUNTIES

Roads and bridges, highway department, divested of certain functions  
and duties relating to—  
HB 540, pages 336, 431, 735, 958, 1749, 1893, 2436, 2455, 2520

## CAR TAGS

Staggered system of registration, provided—  
HB 225, pages 46, 147, 345, 472, 478, 521, 527, 559, 561, 1656, 1842,  
2448, 2469, 2490, 2521

## CARTER, MR. AND MRS. TOMMY

Commended—  
HR 236, page 1044

## CASTLEBERRY, FORREST MOORE

Mourned—  
HR 307, page 2016

## CATTLE THEFT INVESTIGATORS

Livestock theft investigators, name changed to—  
HB 107, pages 25, 149, 807  
SB 44, pages 320, 321, 418, 807, 857, 1001, 1023, 1075

## CEMETERIES

Perpetual care, provisions and restrictions, provided for—  
HB 314, pages 110, 227, 823, 866

## CERTIFICATE OF NEED LAW

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HB 52, pages 15, 68, 378, 1661, 1781, 2001, 2039, 2081, 2093  
SJR 157, pages 2428, 2458

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SB 88, pages 574, 575, 1421, 2106, 2171, 2242, 2276

## CHAMBERS COUNTY

Beer, privilege or license tax imposed on—

HB 754, pages 702, 832, 982, 1320, 1377, 1526

Coroner, salary and mileage allowance—

HB 924, pages 1207, 1324, 1450, 1850, 1865, 1904

Industrial parks, established—

HB 923, pages 1206, 1324, 1450, 1850, 1865, 1904

Officers, salaries increased—

SB 462, pages 1011, 1012, 1056, 1223, 1390

## CHARITABLE CONTRIBUTIONS

Income tax deductions, state, increased—

HB 381, pages 195, 830, 1318, 1414, 1480, 2240, 2251, 2260

## CHARLES HENDERSON CHILD HEALTH CARE CENTER

Taxes, sales and use, exempt—

HB 96, page 23

## CHEATHAM, TERESA

Commended—

SJR 21, pages 220, 490, 573

## CHECKS AND CHECKING

Worthless, prima facie evidence of, regulated—

HB 14, page 7

## CHEROKEE COUNTY

Privilege license and excise tax, levied—

HB 1057, pages 1543, 1739, 1977, 2339, 2360, 2519

Public law library, provided for—

HB 297, pages 106, 271, 344, 465, 475, 482

## CHIEF EXAMINER OF PUBLIC ACCOUNTS

Salary fixed—

SB 193, pages 1876, 1877, 2099, 2286

## CHIEF PROBATE CLERK

Deputy registrar, appointed as—

HB 497, pages 277, 584

## CHILD CARE ACT OF 1971

Church related facilities, certain, exempt from—

HB 463, pages 241, 583

HB 719, pages 694, 737, 1049, 1192, 1318, 1414, 1504, 1619, 1702

**CHILD CARE FACILITIES**

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HB 569, page 373

**CHILD CUSTODY**

Proceedings, jurisdiction of, provided for—  
HB 469, pages 272, 582, 824, 933

**CHILD SUPPORT**

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HB 510, pages 330, 1529, 1751, 1908

**CHILD SUPPORT PROGRAMS**

Pensions and security, department of, authorized to operate—  
HB 551, pages 337, 583, 1051, 1194, 1319, 1417, 1538, 1709, 2156,  
2181, 2259  
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**CHILD VISITATION**

Mutually dependent, made—  
HB 510, pages 330, 1529, 1751, 1908

**CHILDREN**

Interstate compact on the placement of, provided—  
HB 590, pages 424, 831

**CHILTON COUNTY**

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HB 212, pages 44, 422, 457, 1467, 1488, 1526

Commission, expense allowance, additional, provided—  
HB 1040, pages 1438, 1532, 1763, 2136, 2167, 2258

Officials of, salaries provided for—  
HB 682, pages 550, 683, 758, 844, 1058, 1092, 1190

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HB 1039, pages 1438, 1532, 1763, 2136, 2167, 2258

Sheriff, additional deputies, to hire—  
HB 696, pages 677, 741, 790, 1058, 1092, 1190

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Emergencies, rendering aid at scene of, civil liability, exempt—  
HB 529, pages 334, 581, 1750, 1908

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County commission, salary increases provided—

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HB 375, pages 194, 269, 341, 923, 946, 954

Roads and driveways, maintaining of, county commission granted powers regarding—

HB 864, pages 1060, 1202, 1289, 1467, 1489, 1527

Wire mesh baskets used to catch fish, size specified—

HB 882, pages 1065, 1202, 1290

## CHOCTAW INDIAN COMMISSION

Mobile county, Mowah band of, created—

HB 613, pages 438, 586, 717, 1321, 1376, 1526

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HB 313, pages 110, 151, 205, 808, 817, 954

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HB 463, pages 241, 583

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HB 582, page 423

Untaxed, amount one may possess, regulated—

HB 326, pages 112, 416, 823, 885

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HB 166, pages 34, 1418, 1751, 1908

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HB 522, page 332

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SB 522, pages 1392, 1427, 1564, 1780, 1918

Supernumerary, requirements—

SB 156, page 2058

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## CIRCUIT REGISTERS

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Birmingham, bingo games legalized—

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HB 1064, pages 1545, 1743

Birmingham, vacancies on council, filling of, provided for—

HB 770, pages 750, 1741

Brundidge, boundaries altered—

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Decatur, boundaries altered—

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Dothan, form of government prescribed—

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Eufaula, boundaries altered—

HB 808, pages 841, 1423, 1547, 2012, 2082, 2092

Eufaula, state park in, sale of alcoholic beverages in, to regulate—

HB 721, pages 695, 777, 847, 1842, 1852, 1903

Florence, boundaries altered—

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Level Plains, boundaries altered—

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HB 1053, pages 1542, 1738, 1976, 2339, 2358, 2519

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Montgomery, agencies of, secret meetings, prohibited from holding—

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council approval—

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Oxford, boundaries altered—

SB 434, pages 745, 746, 777, 847, 882

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HB 701, pages 678, 684, 759, 1058, 1092, 1190

Pine Apple, boundaries altered—

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HB 334, pages 113, 151, 206, 299, 302, 314  
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Mayor-council form of government, provided for—  
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Pension system, relating to—  
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Calhoun county, membership of, provided for—  
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**CLARK, WILLIAM T.**

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**VOTER REIDENTIFICATION**

Statewide, by mail, provided for—  
HB 738, page 698  
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**VOTERS AND VOTING**

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Electronic voting systems, use of, provided for—  
HB 487, pages 275, 497, 1540, 1751, 1908

Hours of voting, provided for—  
HB 331, pages 113, 229, 825, 937, 2241, 2251, 2260

Jefferson county, lists of, purging of, provided for—  
HB 287, pages 105, 435, 557, 1059, 1091, 1190  
HB 288, pages 105, 435, 558, 1059, 1092, 1190

## VOTERS AND VOTING (Continued)

Lee County, voters lists purged—

HB 862, pages 1060, 1323, 1446, 1849, 1864, 1903

Statewide voter registration and reidentification by mail, provided for—

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HB 751, page 701

Statewide voter registration file, established—

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Voter outreach program, provided—

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## VOTING LISTS

Jefferson county, purging of, provided for—

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HB 288, pages 105, 435, 558, 1059, 1092, 1190

Probate judges clerical help in preparing—

SB 402, pages 1727, 1728, 1736, 1907, 2034, 2117

## VOTING MACHINES

Testing and maintenance of, provided for—

HB 680, pages 550, 739

## WADLEY HIGH SCHOOL BULLDOGS

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HR 63, page 162

## WADSWORTH, EDWARD

Commended—

HR 218, page 844

## WAGERING AND BETTING

Dog racing, profits from, counties, distributed to on per capita basis after establishment of third facility—

HB 555, pages 370, 422

## WAGGONER, SCOTT MITCHELL

Mourned—

HJR 291, pages 1735, 1781, 1847, 1903

## WAIVER OF EXEMPTION RIGHTS

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HB 585, page 423

## WALKER COUNTY

Board of equalization, compensation—

HB 998, pages 1339, 1428, 1571, 2010, 2085, 2092

Criminal or misdemeanor proceedings, additional fee for—

HB 1000, pages 1340, 1428, 1572, 2011, 2088, 2093

Tax assessment, allowed on a year round basis—

HB 603, pages 436, 546, 712, 1842, 1852, 1903

**WALKER COUNTY (Continued)**

Tax collection system, unified—

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**WALKER COUNTY JUNIOR COLLEGE**

Appropriation, provided—

HB 391, pages 197, 324, 588, 647, 1718, 1730, 1732

**WALKER, ROY L.**

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HR 47, page 116

**WALLACE, DEBBIE LYNN**

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HJR 9, pages 52, 62, 79, 99

**WALTER C. GIVHAN PORTRAIT**

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**WARDS PROPERTY**

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SB 38, pages 575, 2102

**WAREHOUSES**

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HB 327, pages 112, 149, 807, 2492, 2508, 2521

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HB 530, pages 334, 496

**WARRANTY IN DEED CONVEYING LAND**

Husbands rights, provided for—

HB 383, pages 195, 325, 1050, 1193, 1320, 1417, 1539, 1717

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HB 565, pages 372, 422, 462, 561, 571, 576

Choctaw Indian Commission, Mowah band of, created—

HB 313, pages 110, 151, 205, 808, 817, 954

Circuit clerk, expense allowance, provided for—

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HB 310, pages 109, 150, 204

## WASHINGTON COUNTY (Continued)

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HB 971, pages 1332, 1425, 1555

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HB 311, pages 109, 150, 204, 561, 571, 576

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HB 32, pages 10, 72, 121, 994, 1000, 1015

Supernumerary tax assessors and collectors, county commission to pay dues of, to professional organizations—

HB 749, pages 701, 775, 846, 1039, 1041, 1046

Tax collector, clerk-hire allowance provided—

HB 748, pages 701, 775, 845, 1039, 1041, 1046

Turkey hunting, Fall, abolished—

HB 312, pages 109, 151, 205

## WASHINGTON COUNTY DAY CARE CENTER

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## WATERFOWL

Migratory, hunting of, regulated further—

HB 296, pages 106, 421, 1050, 1317, 1403, 1862, 1920, 2091

## WATER IMPROVEMENT COMMISSION

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SB 16, pages 142, 150, 817, 881, 1082, 1181

## WATERS, VERLON E.

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## WATERWAYS

Tenn-Tom impact area development authority, created—

HB 316, pages 110, 230

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HB 136, pages 29, 71, 386

## WATER WORKS BOARDS

Directors of, election of, provided further for—

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## WATER WORKS SYSTEMS

100 customers or less, public service commission, removed from regulation by, repealed—

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## WAYNE, JOHN

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## WEIGHING AND MEASURING DEVICES

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## WEIGHMASTERS

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HB 71, pages 19, 70, 381, 2240, 2250, 2259

## WEIGHTS AND MEASURES

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Weighmasters, appointment fee of, increased—

HB 71, pages 19, 70, 381, 2240, 2250, 2259

## WELCOME CENTERS

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HB 133, pages 29, 66, 179, 837, 851, 954

## WENDLAND, MILTON

Congratulated—

HR 217, page 844

## WEST ALABAMA EMERGENCY MEDICAL SERVICES

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## WEST EL HEALTH SERVICES, INC.

Taxes, sales and use, exempt—

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## WETUMPKA HIGH SCHOOL BASKETBALL TEAM

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HR 21, page 59

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## WHITE, J. D.

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## WILCOX COUNTY

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SJR 145, pages 1882, 2021

**WILLIS, EVERETT A.**

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**WILLIS, LILLIAN P.**

Commended—  
HR 334, page 2431

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**WINE WHOLESALERS**

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**WINFIELD HIGH SCHOOL LADY PIRATES**

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HR 65, page 175

**WINSTON COUNTY**

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## WORKMENS COMPENSATION LAW

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